

***United States Court of Appeals
for the Second Circuit***



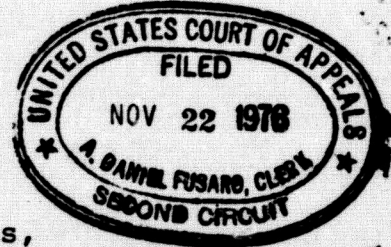
**BRIEF FOR
APPELLEE**

76-7352

IN THE
UNITED STATES COURT OF APPEALS

For The Second Circuit

Nos. 76-7352 - 3



NADINE MONROE, ET ALS,
Appellants,

vs.

L. PATRICK GRAY, ET ALS,
Appellees
and

HENRY CONGDON, ET ALS
Appellants,

vs.

L. PATRICK GRAY, III, ET ALS,
Appellees.

B
P/S

BRIEF OF APPELLEES, JUDGES,
STATE REFEREES AND GRIEVANCE COMMITTEES

On Appeal From The United States District Court
For The District Of Connecticut

For Appellees,
State Referees and
Grievance Committees

Carl R. Ajello
Attorney General

Barney Lapp
Assistant Attorney General

Daniel R. Schaefer
Assistant Attorney General

30 Trinity Street
Hartford, Connecticut 06115

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ISSUE

Where a federal civil rights suit for damages and other relief has been filed against a state Superior Court judge, State Referees, Grievance Committees and other defendants alleging various conspiracies arising out of state court proceedings, was not the District Court correct in dismissing the Complaint on the basis of judicial immunity and other grounds?

STATEMENT OF THE CASE

This action was inspired by the dissatisfaction of plaintiff Nadine Monroe with the participation of various individuals in a lengthy state court divorce proceeding. The original federal Complaint was filed pro se on February 9, 1976 in Civil No. H 76-91 by the plaintiffs Nadine Monroe and her two children, Floyd, Jr. and Liza, alleging conspiracies to deprive them of their constitutional rights, and one conspiracy in violation of the antitrust laws of the United States. On April 28, 1976 a Motion to Amend the Complaint was filed to add a number of additional plaintiffs and defendants. This motion was denied on the grounds that none of the additional plaintiffs had any interest in the specific case nor did any of the proposed defendants cause the plaintiffs any injury.*

* The denial of this motion prompted an independent suit by the rejected plaintiffs, Civil No. H 76-239 (App. 2a), which raised the identical issues as to the Monroe suit and was disposed of with the Monroe suit in one ruling by the Court below.

Subsequently the present Further Amended Complaint (App. 3a) was filed on May 12, 1976 wherein the plaintiffs sought money damages and other relief from all the defendants. Each of the defendants filed motions to dismiss which were granted. This appeal is from the judgments entered. (App. 45a) Jurisdiction is alleged to exist pursuant to 28 U.S.C. 1983, 1985, 1986, and 1988.**

It is noted that the pro se plaintiffs did serve upon these defendants a document entitled "Plaintiffs Appellants' Designation Of Record And Statement of Issues." Their appendix, however, does not contain all of the items designated in the Record nor did the plaintiffs seek agreement from the defendants as to the contents of the appendix as required by Rule 30(b), Federal Rules of Appellate Procedure. Accordingly, a separate appendix is submitted with this brief.

** The District Court noted that the Complaint failed to state facts sufficient to support jurisdiction pursuant to 28 U.S.C. § 1331 and 42 U.S.C. §§ 1985, 1986, and 1988. (Ruling On Motions To Dismiss, p. 2, f.n.2, (App.38a)

A R G U M E N T

I. JUDICIAL IMMUNITY.

In Pierson v. Ray, 386 U.S. 547, 553 (1967),
the Supreme Court stated:

"...Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction, as this Court recognized when it adopted the doctrine, in Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872). This immunity applies even when the judge is accused of acting maliciously and corruptly, and it 'is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences.' (Scott v. Stansfield, L.R. 3 Ex. 220, 223 (1868), quoted in Bradley v. Fisher, supra, 349, note at 350.) It is a judge's duty to decide all cases within his jurisdiction that are brought before him, including controversial cases that arouse the most intense feelings in the litigants. His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decision-making but to intimidation."

This doctrine was recently reaffirmed in Imbler v. Pachtman, ____ U.S. ____, (March 2, 1976) 44 L.W. 4250 at 4253, 4254. See also Lombardi v. Buckholdt, Civ. No. H-75-221, aff'd mem., (2d Cir. April 21, 1976).

A. The Judges.

Judge Santaniello of the Connecticut Superior Court is sued for actions taken while acting in his official, judicial capacity. (App. 3a) Under these circumstances he is immune from suit under § 1983. Pierson v. Ray, supra.

B. The State Referees.

Section 52-434 of the Connecticut General Statutes provides in pertinent part that:

"Each judge of the supreme court, each judge of the superior court and each judge of the court of common pleas who ceases or has ceased to hold office because of retirement other than under the provisions of section 51-49 shall be a state referee during the remainder of his life. The superior court or the court of common pleas may, with the written consent of the parties or their attorneys, refer any case pending before such

court in which the issues have been closed to such a state referee who shall have and exercise the powers of the superior court or court of common pleas in respect to trial, judgment and appeal in such case...."

Section 52-434a(a) provides that:

"In addition to the powers and jurisdiction granted to state referees under the provisions of section 52-434, a chief justice or judge of the supreme court, a judge of the superior court or a judge of the court of common pleas who has ceased to hold office as justice or judge because of having retired and who has become a state referee and has been designated as a trial referee by the chief justice of the supreme court shall have and may exercise, with respect to any civil matter referred by the chief court administrator, the same powers and jurisdiction as does a judge of the court from which such proceedings were referred."

Since the allegations against the State Referees arise out of their official acts while presiding at divorce proceedings in a judicial capacity, it follows that the referees are immune from damage suits under § 1983. Pierson v. Ray, supra; Lombardi v. Buckholdt, supra.

C. Grievance Committees.

1. Immunity.

The same considerations of immunity hold true for members of the Grievance Committee themselves. The committee is appointed by the Superior Court. It is the committee's duty to inquire into, investigate and present to the Court offenses concerning the members of the Bar. Section 51-90, General Statutes. The State Supreme Court has described the function of the committee as follows:

"...The grievance committee is in no sense a party to the proceeding but an independent public body charged with the performance of a public duty in a wholly disinterested and impartial manner,...

"The court selects for the grievance committee attorneys of approved position at the bar; their fairness and impartiality is even more essential than their professional competency."

Grievance Committee v. Broder,
112 Conn. 263, 265-266 (1930).

It is noted that the Grievance Committee merely exercises authority delegated to it by the Court.

"...All courts have, as an incident of the power to admit attorneys to their bar, the power to disbar them for such conduct as shows they are no longer worthy of confidence...."

Id. at p. 277.

See also State Bar Assn. v. Connecticut Bank and Trust Company, 145 Conn. 222 at 231 (1958).

Grievance committees and Bar Associations have been held to enjoy judicial immunity under the Federal Civil Rights Acts. The United States Court of Appeals for the Ninth Circuit has ruled:

"A prosecuting attorney, as a quasi-judicial officer, enjoys immunity from suit under the Civil Rights Act insofar as his prosecuting functions are concerned. The reasoning behind such a rule was suggested in Robichaud v. Ronan, 9 Cir., 351 F.2d 533, 536, where this court stated that '[t]he key to the immunity previously held to be protective to the prosecuting attorney is that the acts, alleged to have been wrongful, were committed by the office in the performance of an integral part of the judicial process.' (Emphasis added.) As an arm of the Washington Supreme Court in connection with disciplinary proceedings, the Bar Association is an 'integral part of the judicial process' and is therefore entitled to the same immunity which is afforded to prosecuting attorneys in that state."

Clark v. State of Washington, 366 F.2d 678, at 681 (1966).

The United States Court of Appeals for the Sixth Circuit has ruled likewise in Ginger v. Circuit Court for the County of Wayne, State Bar of Michigan, State Bar Grievance Committee No. 1, et al (1967) 372 F.2d 621 (6 Cir. 1967), Cert. den. 386 U.S. 935.***

It is further noted that the doctrine of prosecutorial immunity which Clark v. State of Washington, supra, relied upon was also upheld in the recent Supreme Court case of Imbler v. Pachtman, supra. The rationale for the decision was an important public policy consideration:

"...The public trust of the prosecutor's office would suffer if he were constrained in making every decision by the consequences in terms of his own potential liability in a suit for damages...."

44 L.W. 4255.

It is true that in 1969 the United States Court of Appeals for the Second Circuit denied immunity to a bar association which had initiated prosecution for the unauthorized practice of law pursuant to its statutory powers. Dacey v. New York County Lawyers' Assoc. 423 F.2d 188, Cert. den. 398 U.S. 929. The case involved an attempt to enjoin the sale and

***See also: Moity v. Louisiana State Bar Ass'n, 414 F.Supp. 180, 183, 184, n.17 (1976).

distribution of the publication, "How To Avoid Probate!". The Court distinguished Clark v. Washington, supra, on the basis that in the Dacey case allegations of First Amendment rights were involved. F.2d 188, 9 ALR Fed. 403, at 411-412, at N.9. The Clark holding, however, was not criticized. Secondly, the Dacey case also noted that the New York County Lawyers' Association was merely a "private association performing a prosecutorial function". 423 F.2d 188, 9 ALR Fed. at 410.

By way of contrast, the New London County Grievance Committee is clearly a direct arm of the court. It is established that were it to initiate disciplinary proceedings it would be immune from suit. It would be highly irregular, therefore, to deny it immunity where it had refused to initiate proceedings. Such a policy could lead to less than evenhanded results and would penalize and deter the independent exercise of discretion which the Grievance Committee and ultimately the Superior Court is obligated to exercise in this area. As stated by Chief Judge Learned Hand in an earlier Second Circuit case, Gregoire v.

Biddle, 177 F.2d 579, Cert. den. 339 U.S. 949, in extending immunity to the United States Attorney General and other law enforcement and immigration officials,

"...to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties."

177 F.2d at 581.

Finally, the statements in Dacey v. New York County Lawyers Assoc., supra, must be read in light of the recent Supreme Court decision in Imbler v. Pachtman, supra, which emphasized the doctrine of judicial and prosecutorial immunity in general.

These issues are highlighted by Anonymous v. Association of the Bar of City of N.Y., 515 F.2d 427 (2d Cir. 1975). In that case it was held that the doctrine of abstention applied to a Bar association's disciplinary proceedings on the basis that they involved state court functions. The Court stated:

"...Rule 603.12 of the Rules of Appellate Division, First Department, empowers the Grievance Committee of defendant Association to conduct preliminary investigations of professional misconduct and to issue subpoenas in the name of the presiding justice. The Committee has an office and a staff to perform this function as an arm of the

court, much as a special master appointed in the federal court. See *Erdmann v. Stevens*, *supra* 458 F.2d at 1209. As Chief Judge Fuld, writing for a unanimous court in *Wiener v. Weintraub*, 22 N.Y. 2d 330, 331-32, 292 N.Y. S.2d 667, 668-69, 239 N.E.2d 540, 541 (1968), noted:

Petitions or complaints charging professional misconduct of an attorney which, in the past, were presented to the General Term of the Supreme Court are now usually filed with the Grievance Committee of a bar association. And, it has been observed, a proceeding before such a committee constitutes a 'judicial proceeding.' In the investigation of such complaints and in the conduct of such proceedings, then, the bar association's Grievance Committee acts as a quasi-judicial body and, as such, is an arm of the Appellate Division.

"(Citation omitted). See also *Doe v. Rosenberry*, 255 F.2d 118 (2d Cir. 1958) (holding the order of a district court judge, which authorized the transmittal of federal grand jury minutes to the Grievance Committee of the Association of the Bar of the City of New York, to be within Fed.R.Crim.P. 6(e), which provides for disclosure of matters occurring before a grand jury when so ordered by a court 'preliminary to or in connection with a judicial proceeding.')

"The fact that the Appellate Division may disregard the recommendations of the Committee emphasizes the role of that bench in determining the continuing qualifications of its bar. Interfering with its regular processes of investigation at this point would thwart that prerogative just as much as if the injunction had been sought at a later date. In our view, had Judge Griesa issued an injunction, there would have been an interference with a state judicial proceeding."

515 F.2d 433, 434.

This case is significant because the same judicial characteristics which warranted abstention in that case are also highly relevant for the purposes of judicial immunity from a damage suit.

2. No Constitutional Right
Being Deprived Because
Of Action Or Inaction.

The main complaint against the grievance committees concerns their alleged lack of disciplinary action for the wrongdoings of private attorneys engaged by the plaintiffs. The grievance committees were certainly not responsible for any of the alleged acts of misconduct that the lawyers may have committed. For these alleged wrongs, the

plaintiffs were and are entitled to seek relief in the State courts. As stated by this Court in Fine v. City of New York, 529 F.2d 70, 74 (2d Cir. 1975):

"...Whatever cause of action he might have against his lawyer, whether sounding in professional malpractice, tort, or otherwise, is one of state law insufficient to vest a federal court with jurisdiction over the subject matter...."

See also: Chaney v. State Bar of California, 386 F.2d 962 (9th Cir. 1967), Cert. den. 390 U.S. 1011.

Nor do the plaintiffs have a constitutional right to demand that the attorneys be criminally prosecuted or professionally disciplined.

"...[I]n American jurisprudence at least, a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another."

Linda R. S. v. Richard D., 410 U.S. 614, 619 (1973). See also: Simon v. Eastern Kentucky Welfare Rights Organization, 44 U.S.L.W. 4724, 4730 (U.S. June 1, 1976) (concurring opinion of Justice Stewart).

II. NO VALID ANTITRUST CLAIM STATED.

The plaintiff rather vaguely alleges violation of the antitrust laws of the United States by claiming that the defendants conspired to "knowingly and wilfully restrain the practice of law, an[sic] interstate trade, to deny the plaintiffs and the general public the benefits of constitutional and legal protections, and set, maintain and enforce illegal minimum fee schedules;"

(Further Amended Complaint, App. 3a) In addition to the defenses outlined above, these defendants maintain that this claim must be dismissed for (1) other than the one conclusory allegation, the Complaint fails to set forth the essential elements of an antitrust claim; and (2) it fails to allege that the plaintiffs suffered any particular injury as a result of the alleged conspiracy. Such an insufficient pleading, even on the part of a pro se litigant, fails to state a claim upon which relief can be granted. As this Court stated in the Arzee case,

"True, the complaint does allege that the purpose of the conspiracy was 'arbitrarily, unlawfully, unreasonably and knowingly [to] prevent, suppress and eliminate competition'

and to 'establish and maintain unreasonably high, excessive, monopolistic and non-competitive prices'. But this is not enough. These are merely conclusions of the pleader. Conclusions of law are not enough to state a claim upon which relief may be granted. Alexander v. Texas Co., supra at 40, and cases cited therein; United Grocers' Co. v. Sau-Sea Foods, 150 F. Supp. 267, 269 (S.D.N.Y.1957)."

Arzee Supply Corp. of Conn. v. Ruberoid Co., 222 F.Supp. 237, 241 (1963).
See also: Klebanow v. New York Produce Exchange, 344 F.2d 294 (1965).

III. MISCELLANEOUS CONSIDERATIONS.

A. Federalism and Comity.

In addition, the present suit raises the question of a "back door" contravention of well established principles of federalism and comity. A close reading of the complaint discloses vague references to other relief that is sought, in addition to damages. As stated only recently by the United States Supreme Court:

"The seriousness of federal judicial interference with state civil functions has long been recognized by this Court. We have consistently required that when federal courts are confronted with requests for such relief, they should abide by standards of restraint that go well beyond those of private equity jurisprudence...."

Huffman v. Pursue, U.S., 95 S.Ct. 1200 at 1208 (March 18, 1975).

These considerations have been held controlling even where a state Court judgment has already been rendered, and not merely when the state trial is still underway. See id. at 1210. The Court has also previously ruled:

"...It is settled that the prohibition of § 2283 cannot be evaded by addressing the order to the parties or prohibiting utilization of the results of a completed state proceeding. Oklahoma Packing Co. v. Oklahoma Gas & Electric Co., 309 U.S. 4, 9, 60 S.Ct. 215, 218, 84 L.Ed. 537 (1940); Hill v. Martin, 296 U.S. 393, 403, 56 S.Ct. 278, 282, 80 L.Ed. 293 (1935)...."

Atlantic Coast Line R. Co. v. Brotherhood of Locomotive Engineers, et al, 398 U.S. 281 at 288 (1970).

See also: Brown v. Chastain, 416 F.2d 1012 (5th Cir. 1969), cert. den. 397 U.S. 951.

B. Individual Capacity Claims Without Merit.

It is clear from the Complaint that although the Judges, Referees, and Grievance Committees have been named as defendants in their individual as well as official capacity, it is only their activities in their official capacity which are attacked. Therefore, there is absolutely no basis to proceed against these defendants individually and as Commissioners of the Court.

C. Plaintiffs Arguments Not Compelling.

The plaintiffs' Brief on Appeal contains a hodge-podge of legal citations and principles, none of which are directly in point nor compel a different result based upon the allegations of the Complaint.

C O N C L U S I O N

For the foregoing reasons, it is respectfully submitted that the Judgment of the District Court of Connecticut should be affirmed.

DEFENDANTS - APPELLEES,

JUDGES, STATE REFEREES and
GRIEVANCE COMMITTEES

BY: CARL R. AJELLO
ATTORNEY GENERAL

Barney Lapp
Barney Lapp
Assistant Attorney General
30 Trinity Street
Hartford, Connecticut 06115

Daniel R. Schaefer
Daniel R. Schaefer
Assistant Attorney General
30 Trinity Street
Hartford, Connecticut 06115

Telephone: Area 203 566-2203

C E R T I F I C A T I O N

This is to certify that copies of the above Brief have been mailed, via U. S. Mail, Postage Prepaid, on the 5th day of November, 1976, to the following:

Nadine Monroe, 16 Morgan Street,
New London, Connecticut 06320

Floyd Richard Monroe, 16 Morgan Street,
New London, Connecticut 06320

Lisa Allen Monroe, 16 Morgan Street,
New London, Connecticut 06320

Thomas J. Hagarty, Esq., 25 Lewis Street,
Hartford, Connecticut 06103

James A. Wade, Esq., 799 Main Street,
Hartford, Connecticut 06103

William Doyle, Esq., c/o Wiggin & Dana,
P. O. Box 1832, New Haven, Connecticut

John R. McGrail, Esq., 265 Church Street,
New Haven, Connecticut

Joseph E. Moukawsher, Esq., 309 State Street,
New London, Connecticut

John I. Haymond, Esq., 111 Pearl Street,
Hartford, Connecticut 06103

Albert Callahan, Esq., 60 Washington Street,
Hartford, Connecticut 06106

Leo J. McNamara, Esq., 4 Whale Oil Row,
New London, Connecticut

Harry Congdon, Beaverbrook Road, Lyme, Connecticut

Lois Congdon, Beaverbrook Road, Lyme, Connecticut

Janet Congdon, Beaverbrook Road, Lyme, Connecticut

Lois Congdon Churchill, 22 Lebanon Avenue,
Colchester, Connecticut

Kevin Lebovitz, 46 Morgan Street, Pawcatuck, Connecticut

Kevin Lebovitz, Jr., 46 Morgan Street, Pawcatuck,
Connecticut

Roxanne Lebovitz, 46 Morgan Street, Pawcatuck,
Connecticut

Louis C. Maruzo, 228 State Street,
New London, Connecticut

Roy L. Smith, 71 Granite Street
New London, Connecticut

Melvin Scott, 20 Channing Street,
New London, Connecticut

John Colleran, 7 Whitney Avenue,
New Haven, Connecticut

Thomas J. Groark, Jr., Esq., One Constitution Plaza,
Hartford, Connecticut 06103

Edward Lavalley, 287 Main Street, Norwich, Connecticut

Frank Nasti, 90 Knollwood Road, North Haven, Connecticut

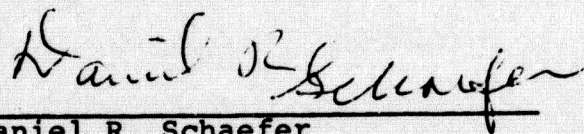
Stella Petrie, Beaverbrook Road, Lyme, Connecticut

William Beebe, Beaverbrook Road, Lyme, Connecticut

John Mazur, Old Salem Road, Lyme, Connecticut

Joseph Firgelewski, Grassy Hill Road, Lyme, Connecticut

Robert T. Maxwell, Blood Street, Old Lyme, Connecticut



Daniel R. Schaefer
Assistant Attorney General
30 Trinity Street, Hartford, Connecticut
06115

APPENDIX

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RELEVANT DOCKET ENTRIES

Re: H 76-91

1976

2/9 Complaint filed.
3/22 Motion to Dismiss, Pursuant to Rule 12(b), F.R.C.P.
by defendants Troland, Santaniello, Harris,
Miner and McKay.
3/22 Motion for Security for Costs Pursuant to Rule 7(a),
Local Rules of Procedure, United States District
Court, District of Connecticut.
3/29 ORDER, Re: 250.00 surety bond requested by defend-
ants Troland, Santaniello, Harris, Miner and McKay.
Markowski, C. m 3-29-76. Copies to plaintiff and
counsel.
4/22 Motion to Amend Complaint.
4/30 Motion denied. The proposed additional plaintiffs
have no interest in the specific case, alleged by
Mrs. Monroe; nor are the proposed additional defend-
ants alleged to have caused her injury. Blumenfeld, J.
m. 4-30-76. Copies to counsel.
5/10 Motion to Amend Complaint by adding four new defend-
ants.
6/1 Motion to Dismiss Further Amended Complaint filed
by defendants Troland, Santaniello, H. Harris, W.
Miner, E. McKay, F. Dully, H. Eisenberg, A. Bill and
P. Dunn.
6/1 Memorandum in Support of Motion to Dismiss Further
Amended Complaint.
6/25 Ruling on Motions to Dismiss, (Granted) Blumenfeld J.
m 6-25-76. Copies to counsel of record and pro se
plaintiff.
6/30 JUDGMENT entered. Markowski, C. Copies mailed to
Mrs. Monroe and counsel.
7/6 Motion by plaintiffs in both cases for Amendment or
Alteration of the "Ruling On Motions To Dismiss"
and Order of June 25, 1976.
7/12 Motion for Alteration or Amendment, Under Rules 59 and
60 FRCP of Denial of Motion for Discipline of Defend-
ant, L. Patrick Gray.
7/14 Endorsement on #64 "motion denied" Blumenfeld J.
m 7-14-76. Copies to counsel by mail and handed to
Mrs. Monroe in Clerk's office.

RELEVANT DOCKET ENTRIES

Re: H 76-239

1976

- 6/15 Complaint filed. Summons issued and together with same and copies of Complaint handed to Marshal for service.
- 6/25 Ruling on Motions to Dismiss. (granted) Blumenfeld J. m 6-25-76. Copies to counsel and pro se plaintiffs.
- 6/30 JUDGMENT entered. Markowski, C. m 7-1-76. Copies to pro se plaintiffs and counsel.
- 7/6 Motion by plaintiffs in both cases for Amendment or Alteration of the "Ruling on Motions to Dismiss" and Order of June 25, 1976.
- 7/12 Motion for Alteration or amendment under Rules 59 & 60 FRCP of Denial of Motion for Discipline of defendant L. Patrick Gray.
- 7/14 Endorsement on #4 motion "motion denied." Blumenfeld, J. m 7-14-76. Copies to counsel by mail and handed to Mrs. Monroe in the Clerk's Office.
- 7/19 Notice of Appeal filed by plaintiff. Copies of notice mailed to counsel. Certified copies of notice and certified copy of docket mailed to U. S. Court of Appeals and New Haven. Appeals Management Plan and Forms C & D mailed to Mr. Congdon.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED
MAY 12 2 50 PM '76
U.S. DISTRICT COURT H 76-91

NADINE MONROE and FLOYD RICHARD MONROE and LISA ALLEN MONROE by their mother, next friend, and natural guardian, Nadine Monroe, Plaintiffs

v.

L. PATRICK GRAY, Esquire, individually and as Commissioner of the Courts of Connecticut;

HENRY HARRIS, WILLIAM MINER, and EDWARD MCKAY, Esquires, individually, and as Chairman and Member, respectively, of the New London County Grievance Committee, and as Commissioners of the Courts of Connecticut;

FRANK E. DULLY, HAROLD J. EISENBERG, ALBERT S. BILL and PHILIP R. DUNN, Esquires, individually and as Chairman, Members and Counsel, respectively, for the Hartford County Grievance Committee and as Commissioners of the Courts of Connecticut;

LOUIS C. WOOL, ANDREW BRAND, FRANCIS LONDREGAN, GEORGE GILMAN and IGOR SIKORSKY, JR., Esquires, individually and as Commissioners of the Courts of Connecticut;

SUISMAN, SHAPIRO, WOOL & BRENNAN, a law partnership;

THOMAS E. TROLAND, Esquire, individually and as Referee of the New London County Superior Court and Commissioner of the Court of Connecticut;

ANGELO SANTANIELLO, individually and as Judge of the New London County Superior Court and Commissioner of the Courts of Connecticut;

FLOYD MONROE, JR., and

MARTIN GOTTESDIENER, individually and as a Certified Public Accountant of Connecticut, Defendants.

TRIAL BY JURY REQUIRED

VERIFIED FURTHER AMENDED COMPLAINT

1. This action arises under the Constitution of the United States and its First, Fifth, Eighth, Ninth, and Fourteenth Amendments; 15 USC Section 1, 3, 13, 15, and 25, 28 USC Sections 1331 and 1343; 42 USC Sections 1983, 1985, 1986, and 1988, and the laws of the State of Connecticut. The amount in controversy exceeds the sum of Ten Thousand Dollars, exclusive of interest and costs.
2. Defendants L. Patrick Gray, Henry Harris, William Miner, Edward McKay, Frank E. Dully, Harold J. Eisenberg, Albert S. Bill, Philip R. Dunn, Louis C. Wool, Andrew Brand, Francis Londregan, George Gilman, Igor Sikorsky, Jr., Thomas Troland and Angelo Santaniello, (hereinafter Gray, Harris, Miner, McKay, Dully, Eisenberg, Bill, Dunn, Wool, Brand, Londregan, Gilman, Sikorsky, Troland and Santaniello, respectively) are all Attorneys at Law, duly admitted to practice and practicing under color of law of the State of Connecticut, and Commissioners of the Courts of Connecticut. Defendants Gray, Wool, and Brand are members of Suisman, Shapiro, Wool & Brennan (hereinafter the "partnership"), a law partnership, duly registered as such with the

appropriate municipal agency. Defendant Martin Gottesdiener, (hereinafter Gottesdiener) is a Certified Public Accountant, duly examined, appointed and acting as such under color of law of Connecticut. Defendants Harris, Miner and McKay are the duly appointed and acting Chairman and Members, respectively, of the New London County Grievance Committee, acting at all times herein under color of law of Connecticut. Defendants Dully, Eisenberg, Bill and Dunn are the duly appointed Chairman, Members and Counsel of the Hartford County Grievance Committee, acting at all times herein under color of law of Connecticut. Defendant Trolani is a duly appointed and acting State Referee, acting at all times herein under color of the laws of Connecticut. Defendant Santaniello is the duly appointed and acting Presiding Judge of the New London County Superior Court, acting at all times herein under color of law of Connecticut.

3. Prior to 1962, and continuing thereafter up to and including the filing of this Complaint, the defendants did unlawfully, knowingly, and wilfully combine, conspire, confederate and agree together and with each other, and with the diverse other persons, under color of state law, to commit offenses against the United States and acts injurious to the plaintiffs, that is:

a. To knowingly and wilfully deny and defraud, by various schemes and artifices, including the bait and switch technique, the plaintiffs, and the public in general, of due process of law and the equal protection of the law, under color of state law, in violation of the 14th Amendment of the Constitution of the United States, Title 18, United States Code, Section 241; and Title 42, US Code Sections 1983 and 1985;

b. To knowingly and wilfully threaten, intimidate, harass, punish and discourage, under color of state law, the plaintiffs and the public in general, for exercising the plaintiffs' and public's constitutionally-guaranteed rights, and chill the ardor of the plaintiffs and the general public to exercise constitutionally guaranteed rights, privileges and immunities, in violation of the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, Title 18, US Code Section 242, and Title 42, US Code Sections 1983 and 1985;

c. To knowingly and wilfully restrain the practice of law, an interstate trade, to deny the plaintiffs and the general public the benefits of constitutional and legal protections, and set, maintain and enforce illegal minimum fee schedules; in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and Title 15, US Code Sections 1, 3, 13, 15, and 25, all of which was in violation of Title 18, US Code Section 371;

4. In furtherance of the above conspiracy and in order to effect its objectives, the defendants did commit, among others, the following overt acts in New London County, Connecticut and elsewhere:

OVERTS ACTS

A. At some time prior to August, 1968, defendants Harris, Miner and McKay were appointed members of the New London County Grievance Committee, hereinafter the "Grievance Committee", and caused to be commenced and commenced to deny the general public speedy, just, even-handed and inexpensive determination of the public's grievances against New London County lawyers. They refused and failed to present to the New London County Superior Court any offenses reported to them by pro se litigants or the general public, and took action only against lawyers who were complained of by the New London County Bar Association's Board of Governors and failed to take effective action against any lawyer against whom a grievance was or should have been filed.

B. In August, 1968, defendant Londregan lied to plaintiff Nadine Monroe concerning legal duties he had contracted to perform for her and her children, concealing from her that he was denying them due process of law.

C. Later in the fall of 1968, defendant Londregan showed defendant Wool, attorney for defendant Floyd Monroe, important material evidence which plaintiff Nadine Monroe had instructed him not to disclose to the opposition.

D. After showing defendant Wool the evidence he was not to divulge, defendant Londregan, on instruction of defendant Wool, falsely informed plaintiff Nadine Monroe she could not use the evidence, denying the Monroe plaintiffs their right to introduce evidence in support of their cause.

E. In November, 1968, defendant Londregan made false recommendations to plaintiff Nadine Monroe concerning the amount of support she should obtain from defendant Floyd Monroe, denying the Monroe plaintiffs due process of law in the judicial determination of amounts due them.

F. In April, 1969, defendant Gilman, after becoming counsel for plaintiff Nadine Monroe, illegally advised her to sign fraudulent income tax papers.

G. Shortly before June 13, 1969, defendants Gilman, Wool and Floyd Monroe failed and refused to provide insurance protection for plaintiffs Lisa and Floyd Richard, and on June 13, 1969, caused to be given and gave fraudulent perjured testimony injurious to the plaintiffs' cause, which perjury was not discovered by the plaintiffs until late in August, 1971.

H. On June 13, 1969, defendant Gilman refused to challenge false evidence sub-

mitted by defendants Wool and Floyd Monroe, and failed and refused to obtain an order for payment to which the plaintiffs were entitled as a matter of law.

I. Later that same day, defendant Gilman failed and refused to make a claim on funds which were due the plaintiffs as a matter of law.

J. Later that day, defendant Gilman failed and refused to argue pleading he had previously filed, denying the plaintiffs benefits of funds they were due as a matter of law.

K. Still later that day, defendant Gilman accepted unjust settlement for the plaintiffs without knowledge or consent of plaintiff Nadine Monroe.

L. On June 13, 1969, at the end of the court proceeding, defendant Gilman advised plaintiff Nadine Monroe against prompt termination of the litigation, intending thereby to permit, and permitting, defendants Wool and his client, defendant Floyd Monroe, to conceal and remove funds in which the plaintiffs had a lawful interest.

M. On July 14, 1969, defendant Wool filed a pleading in the New London County Superior Court, and by prearrangement with defendant Gilman, the pleading was not prosecuted, thereby allowing the concealment and removal of funds to continue.

N. On January 21, 1971, defendant Wool filed a pleading to exert extortionary pressure on plaintiff Nadine Monroe, and defendant Gilman failed and refused to respond to the pleading to deny the plaintiffs a speedy determination of the issues.

O. On February 17, 1971 defendant Gilman filed an unjustified pleading seeking payment of \$7,500 from defendant Floyd Monroe without knowledge or consent of plaintiff Nadine Monroe, making reasonable and prompt settlement of the issues and termination of the proceedings impossible.

P. Shortly after August 21, 1971, when plaintiff Lisa Monroe was injured in an auto accident in a car driven by defendant Floyd Monroe, defendant Gilman refused to obtain a court order for reasonable protection of the minor Monroe plaintiffs.

Q. On September 27, 1971 defendants Wool and Gilman met for two hours, and agreed to deny the Monroe plaintiffs effective representation.

R. In October, 1971, defendant Gilman made himself unavailable to plaintiff Nadine Monroe, and instructed his secretary to inform her that he was on vacation, and defendant Floyd Monroe threatened he would "play dirty" if plaintiff Nadine Monroe continued to press for the divorce.

S. In November, 1971, defendant Gilman became insulting and verbally abusive

and shouted at plaintiff Nadine Monroe. He made false statements that she had no grounds for divorce and refused to use effective material evidence in his possession. He stated falsely that the Floyd Monroe and Son corporation, whose sole owner was defendant Floyd Monroe, was not a family asset which the plaintiff could share, as a matter of law. He falsely and extortionately maintained to plaintiff Nadine Monroe that she should accept a \$10,000 settlement and the "privilege" of obtaining the divorce, and that if she did not, she would get "nothing".

T. On December 1, 1971, defendant Gilman refused to return papers, including evidence not introduced in court, to plaintiff Nadine Monroe until or unless she paid him an extortionate sum. He did not return her papers until February 1, 1972.

U. On January 26, 1972, defendant Gilman filed a request to withdraw from the case.

V. On January 27, 1972, the next day, defendant Wool filed a cross complaint for divorce for defendant Floyd Monroe.

W. On March 2, 1972, defendant Wool filed a motion to place the complaints on the uncontested list knowing full well that plaintiffs wished to contest the complaints, making it necessary for Nadine Monroe to hire defendant Sikorsky to prepare and file her objection to uncontested proceedings.

X. In the period March 2 to 13, 1972, defendant Sikorsky misrepresented his diligence to plaintiff Nadine Monroe, and promised a "gangbuster" action including the divorce decree by that summer.

Y. On or about March 24, 1972, defendant Sikorsky and his associates cancelled the deposition of defendant Floyd Monroe that had been granted by the Court on March 17, promised to reschedule the deposition promptly, but failed and refused to do so.

Z. In June, 1972, defendant Sikorsky had a conference with plaintiff Nadine Monroe, admitted he had not handled the case properly, stated he was terminating his associate who had cancelled the deposition described in Paragraph Y above, and stated he knew nothing about the case being referred to a State Referee, defendant Troland.

AA. Defendant Sikorsky delayed the deposition of defendant Floyd Monroe until September 11, 1972, and amended the complaint to include two more serious charges against defendant Floyd Monroe the day after he took the deposition.

BB. On September 11, at the deposition, defendant Floyd Monroe refused to answer material questions upon advise of defendant Brand, and committed perjury in a material matter, his ownership of Floyd Monroe and Son, Inc.

CC. On October 13, 1972, defendant Sikorsky sent a young member of his firm,

with no courtroom experience, to argue the motion he had filed to force defendant Floyd Monroe to answer deposition questions. He failed to tell plaintiff Nadine Monroe or the young inexperienced lawyer that the case had been transferred to State Referee Troland four months previously, without the prior knowledge or consent of defendant Troland, who was 81 years of age at the time. Defendant Sikorsky stated that the plaintiffs had to proceed with defendant Troland as Referee; "they had to go ahead with him."

DD. In November 1972, defendant Brand took the deposition of plaintiff Nadine Monroe, represented by another associate of defendant Sikorsky, totally unfamiliar with the case, furthering the goals of the conspiracy to deprive plaintiffs of due process of law by use of the "bait and switch" technique.

EE. In December, 1972, plaintiff Lisa was injured and defendant Floyd Monroe had the charges falsely billed to plaintiff Nadine Monroe, who was harassed for several months by the physician and hospital.

FF. In January, 1973, defendant Brand had Floyd Monroe send him several support checks for the plaintiffs which he forwarded to defendant Sikorsky's office. Sikorsky sent one back to Brand, further delaying payment of living costs.

GG. On January, 30, 1973, the Connecticut Supreme Court reversed a decision of defendant Troland in another divorce property problem; he had "condoned an unpurged act of fraud on the court" and perjury.

HH. From 1973 to the present, the defendant members of the New London County Grievance Committee have refused and failed to consider any grievances against defendant Troland or any other referee, maintaining that he was a "judge", knowing full well that the Connecticut Judicial Review Council would not consider any complaints against defendant Troland because he was "not a judge".

II. On February 6, 1973, at the commencement of the Monroe divorce hearing defendants Sikorsky, Wool, Brand, and Troland represented that plaintiff Nadine Monroe had to go forward with Troland as Referee, forcing her to settle rather than rely on the judgment of defendant Troland. Sikorsky proceeded without resolving the problems of fraud and perjury by defendant Floyd Monroe or determining the actual worth of the corporation or obtaining copies of defendant Floyd Monroe's income tax returns which were material, denying the plaintiffs access to evidence needed to protect their interests. Defendant Sikorsky refused and failed to place on the record defendant Floyd Monroe's perjury concerning concealment of ownership of the corporation stock, or any evidence about concealment of assets at the Chase Manhattan Bank. Defendant

Gottesdiener, under guidance of defendant Wool, gave inaccurate, misleading and incomplete testimony, and defendant Sikorsky failed and refused to resolve the conflicts between the testimony of defendant Gottesdiener and that of defendant Monroe.

JJ. On March 5, 1973, defendant Sikorsky demanded more money of plaintiff Nadine Monroe, without itemizing charges or previous payments, and she paid him \$640.95, which made a total payment of fees of \$3,000.

KK. In August 1973, defendant Sikorsky refused plaintiff Nadine Monroe's request to resolve automobile and the children's trust fund problems and obtain a settlement of Floyd Richard's medical bills. Sikorsky stated he would go to court at a later date but didn't.

LL. On September 4, 1973, plaintiff Nadine Monroe complained to defendants Harris, Miner and McKay, the New London County Grievance Committee, about Gilman. They neglected to process the complaint as required by law. On January 7, 1974, plaintiff Nadine Monroe wrote defendant Santaniello and asked him to take action. He contacted the defendants on the Grievance Committee, who informed him and plaintiff Nadine Monroe falsely that they were investigating and that plaintiff Nadine Monroe would be informed of a decision promptly.

MM. In the Spring of 1974, defendant Sikorsky stated "we" should settle the automobile problem for less as "we" had waited too long to go into court, admitting his malpractice. He admitted he had not completed the necessary work on the child plaintiffs' trust fund. He instructed plaintiff Nadine Monroe to reopen the divorce case because of defendant Floyd Monroe's perjury by asking State's Attorney O'Brien to prosecute him. O'Brien refused; Sikorsky delayed the matter further; the case was never reopened.

NN. On February 6, 1974 defendant Sikorsky sent a bill of \$300 for unitemized services allegedly rendered. When plaintiff Nadine Monroe asked for an accounting, he refused, and stated he would keep her papers until she paid him, and has kept them to this date.

OO. On December 2, 1974, defendant Sikorsky, through a lawyer purporting to represent him, demanded payment of \$336.00 from plaintiff Nadine Monroe in an extortionary letter.

PP. On December 2, 1974, plaintiff Nadine Monroe wrote defendant Santaniello again, who met with her, and contacted the New London County Grievance Committee defendants again.

QQ. On January 6, 1975, the defendants of the New London County Grievance Committee wrote a false and fraudulent letter to plaintiff Nadine Monroe, demonstrating that they had failed and refused to promptly inquire into, investigate thoroughly, "and present to the court" the offenses of defendant Gilman, namely conspiracy with defendants Wool and Floyd Monroe to delay and injure plaintiffs and actual gross delay and resultant injury, extortion by refusal to return documents, the property of Nadine Monroe, until and unless he was paid, illegal advice to sign fraudulent income tax papers, failure to provide insurance protection for plaintiffs Lisa and Floyd Richard, causing false testimony to be given by defendant Floyd Monroe, refusal to challenge false evidence submitted by defendants Wool and Floyd Monroe, refusal to obtain court orders to which the plaintiffs, refusal to argue pleadings he had filed previously, refusal to make claims on funds due the plaintiffs, acceptance of an unjust settlement without the knowledge or consent of plaintiff Nadine Monroe, failure to conclude litigation, unjust payment of legal fees, allowing defendants Wool and Floyd Monroe to conceal and remove at least \$200,000 in which plaintiffs had an interest, collusion with defendant Wool in failure to argue pleadings, filing pleadings for unjust payment of legal fees by defendant Floyd Monroe without knowledge or consent of plaintiff Nadine Monroe, failure to obtain court orders for the safety of the minor plaintiffs, making himself unavailable to plaintiff Nadine Monroe so that defendant Floyd Monroe could make threats to her, making false and abusive statements and shouting at plaintiff Nadine Monroe, extortion, and refusal to return the lawful property of plaintiff Nadine Monroe to her.

RR. On January 22, 1975, defendant Santaniello wrote a letter to plaintiff Nadine Monroe making false statements about any further recourse she had, falsely protecting the New London County Grievance Committee, and concealing from her that she could bring disciplinary action directly to the Superior Court under Connecticut General Statutes Section 51-90. And further concealing from plaintiff Nadine Monroe that the actions and inactions of the New London County Grievance Committee concerning her problem were unconstitutionally violative of the Fifth and Fourteenth Amendments of the United States Constitution, and Article 1, Section 20 of the Constitution of Connecticut.

SS. On or about January 1975, plaintiff Nadine Monroe wrote to the Hartford County Grievance Committee and informed defendants Dully, Eisenberg, Bill and Dunn of the actions of the other defendants, especially defendant Sikorsky. On March 12, 1975,

defendant Dunn sent plaintiff Nadine Monroe a letter with the full agreement and knowledge of defendants Dully, Eisenberg and Bill, stating that defendants would not assist the plaintiffs in any way, nor prosecute defendant Sikorsky, and would "not comment on other remedies" available to the plaintiffs. Plaintiff Nadine Monroe attempted to call defendant Dunn but he was "unavailable."

TT. From the latter part of June, 1972 to September, 1972, defendant Gray took complete transcripts made from recording tapes of the illegal "bugs" installed at the Democratic National Committee Headquarters in the Watergate building and transcripts of FBI interviews of Watergate suspects to the White House where they were examined by principals in the Watergate crimes, which acts were known by the general public and the defendant Committee members, Harris, Miner and McKay.

UU. Early in January, 1973, defendant Gray transported across state lines and "burned forged documents that had been taken from the safe of Watergate conspirator E. Howard Hunt with his (Gray's) Christmas trash," an act which became public knowledge and of which the defendants Harris, Miner and McKay were well aware.

VV. In March, 1973, defendant Gray committed perjury in the United States Senate hearing on his proposed confirmation as permanent director of the FBI, which illegal and unethical act was known to the general public and defendants Harris, Miner and McKay.

WW. At some time prior to June 7, 1974, defendant Harris, as Chairman of the New London County Grievance Committee, sent for and obtained, the American Bar Association file of defendant Gray. After receiving the file, Harris, Miner and McKay refused and failed to investigate and present to the Superior Court, as required by Connecticut General Statutes Section 51-90, the offenses committed by defendant Gray that were delineated in the American Bar Association File, including, but not limited to, perjury before a Senate Committee, destruction by burning of evidence taken from the White House safe of E. Howard Hunt, and the giving of transcripts to White House personnel of illegally "bugged" telephone conversations of the Democratic National Committee (fruits of the conspiracy to "bug" the Watergate premises) and of FBI interviews with Watergate witnesses.

XX. When prior to September 1975, defendant McKay, as a member of the New London County Grievance Committee, hereinafter the "Grievance Committee", was informed in writing by Richard Kraemer that Kraemer's lawyer, practicing in New London County, had charged a fee of \$1,000 to prepare an appeal from a state board ruling, collected the fee, and never filed the appeal, never informed Kraemer of the failure to file the case, and refused to return any part of the \$1,000 fee, defendant McKay and his

fellow defendants, Harris and Miner, took no action and never acknowledged the receipt of the grievance.

YY. Several months after the events of Para. XX above, Mr. Kraemer secured an official grievance form from the Clerk of the Superior Court, and New London County Superior Court, and filed an official grievance in duplicate with the Clerk. Mr. Kraemer never received any acknowledgement of the complaint nor has he heard of any disciplinary action taken against the attorney, nor has he had any of the services paid for rendered by the lawyer, nor was he refunded the \$1,000 or paid any interest on the sum.

ZZ. Shortly after the events described in Paras. XX and YY above, the defendant members of the Grievance Committee, Harris, Miner, McKay, received a letter from Judge Longo, then presiding judge of the New London County Superior Court, describing the actions of Mr. Kraemer's lawyer. The defendant members of the Grievance Committee did not acknowledge receipt of the letter to Mr. Kraemer, and took no action on Judge Longo's letter.

AAA. In 1972, the defendant members of the New London County Grievance Committee started a disciplinary action against Attorney Gerald McDermott, for proven grand larceny by embezzlement of \$550 of the Groton Shipbuilders' Credit Union, A working-men's mutual building and loan association. Although McDermott never made restitution, he was allowed to resign from the bar, and was not charged with or prosecuted for the crime. When another larceny by McDermott came to light when he was no longer a lawyer, he was sentenced to serve "time". The crimes were identical; when McDermott lost his protective aura of lawyer, he was promptly sentenced to jail on the same type of offense.

BBB. In 1972, Attorney Irving Spiro, and in 1975 Attorney Richard Wagner, each stole over \$5,000 from estate funds. The defendant Grievance Committee members prosecuted, and Spiro and Wagner were never charged with any crime. Spiro was suspended from the bar for four months after defendant Gilman, Spiro's attorney, pleaded that Spiro not be suspended, asking "How do you discipline stupidity?" Wagner resigned from the bar. Neither lawyer was ever charged with any criminal offense, a fate reserved for laymen, denying the general public "equal protection of the law."

CCC. In the fall of 1974, Attorney Milton Jacobson slandered Daniel Malchman and filed a baseless civil action against Malchman which was later withdrawn after publicity which damaged Malchman's reputation and business. Jacobson had Bernard Malchman, Daniel's father, then very ill and living at a different address, served with process in the suit, causing great distress to Bernard, and to his son when he

observed the grievous injury to his father. When Malchman filed a grievance with the defendant Grievance Committee members on Dec. 19, 1974, he was told that Jacobson had 30 days to respond. Four months later, not having heard from the Grievance Committee, Malchman contacted the defendant law firm, Suisman, Shapiro, Wool & Brennan to sue Jacobson for loss of business due to the bad publicity from the baseless lawsuit and resulting embarrassment from the suit and the false statement. The defendant law firm refused to take action against a fellow attorney, denials of equal protection of the law, of due process of law and the First Amendment right to petition for redress of grievance, not only to Malchman and the general public, but the plaintiffs herein. For almost eighteen months, Mr. Malchman received no reply from the Committee members. In March 1976, when Malchman again called the Grievance Committee, he was told that Jacobson should "apologize". Jacobson has refused to even do this. Mr. Malchman has never been informed by the Grievance Committee members that he may bring a disciplinary action against Jacobson himself, another denial of due process of law by the New London County Grievance Committee, injuring a layman, and denying the public and the plaintiffs the benefit of a rigorously-disciplined bar.

DDD. In Nov. 1962, Mrs. Helen Arpin retained co-conspirator Attorney Allyn Brown in an accident case. Brown, knowing that he represented Aetna Casualty Insurance, accepted the case involving an uninsured tortfeasor although Aetna carried the "uninsured motorist" protection insurance for Mrs. Arpin. Four years after co-conspirator Brown was retained, he permitted the withdrawal from the automobile accident case of the other defendant, owner of the car, who was fully insured. The Arpins had no knowledge of the settlement; they received a check from co-conspirator Brown for \$900, with no accounting. Brown filed another accident action for the Arpins, against Mr. Romanske in 1964, but took no action in four years, so the cases were turned over to the Arpin's next lawyer. On Nov. 22, 1968, Brown moved for permission to withdraw on the basis that he was counsel for Aetna Insurance Company, a conflict of interest. Co-conspirator Attorney Robert Leuba, a former member of Brown's law firm, took over the case. For two years co-conspirator Leuba and his associate, co-conspirator Leo McNamara, refused to answer any call made by the Arpins. In 1970, the Arpins filed a grievance with the defendant Grievance Committee members against co-conspirators Leuba and McNamara. Several months went by, and receiving no answer, the Arpins wrote again. Receiving no reply to the second letter, Mr. Arpin called defendant Harris, and was told never to call him again, as he was a very busy man; Arpin was

to write letters. Arpin stated he had written letters. Defendant Harris told Arpin to call co-conspirator McNamara, who met with the Arpins, apologized for the delay, and stated he would try to get a hearing. On October 30, 1970, a withdrawal from the jury docket was filed in the first Arpin accident case. Ten days later a "final discontinuance" was entered, and, on Nov. 18, a motion to set aside the final discontinuance was filed. On Dec. 1, 1970, a total special damages amount of \$2,300 was entered. Two days later a judgment in the amount of \$7,764.67 was entered. The Arpins were not informed of the judgment, and found out much later thru their physician, Dr. Gosselin. On August 12, 1971, Brown's firm sent a letter to the Arpins asking for payment of the physician's bill and threatened a wage execution to settle the physician's bill of \$600. In December, 1972, the Arpins retained co-conspirator Attorney Konstant Morell to collect the judgment and pursue the neglected Romanski case. In December 1973, Attorney Post of Morell's firm requested a conference with both Brown and McNamara to resolve the malpractice claims. Nothing happened, so in May 1974, the Arpins sent another letter to the defendant Grievance Committee members. Five days later, defendant Harris acknowledged receipt of the letter. A month later, Mr. Arpin called Harris and was told he was not in. The call was not returned. In August 1974, Arpin requested the New London County Bar Association to write to defendant Harris. There was no reply. In Sept. 1974 Arpin wrote the Connecticut State Judicial Department, and in October, a meeting was arranged between the Arpins and co-conspirator Morell. On Nov. 14, Morell wrote a letter making false statements about the Arpin's call. The Arpins finally forced Morell to arrange a meeting to discuss settlement with defendant McNamara since defendant Brown was on a cruise. McNamara offered \$2-3,000. The Arpins rejected the offer, and asked co-conspirator Morell to file malpractice actions. Morell refused, and the Arpins contacted 8 other New London vicinity attorneys to sue for malpractice, all refused. Co-conspirator Attorney Albert Genua refused to file malpractice suits, but offered to settle the cases, and two days later, offered \$5,200 to be accepted "on the spot." When questioned by Arpin, co-conspirator Genua threatened to throw Arpin out of the office. In May, 1975, the State Judicial Department finally responded, by communicating with Chief Justice Cotter for help. In August, 1975, the Arpins retained co-conspirator Attorney Gary Friedle, and in January, 1976, signed a release in favor of Brown and McNamara, accepting \$5,200. Defendant Friedle wrote a letter to the Arpins stating "You are not to make further complaints to any commission or committee, nor are you

to threaten or attempt to pursue litigation," continuing the conspiracy to deny due process of law and the redress of grievances to laymen, and to deny the equal protection of the law to members of the class laymen seeking simple justice and redress against lawyers. On Feb. 25, 1976, Co-conspirator Friedle refused to sue co-conspirator Morell for malpractice, and criticized the Arpins for complaining about Morell. In March, 1976, co-conspirator Morell ignored and refused the request for their files made by the Arpins. Throughout all this period, the Grievance Committee member refused to inform the Arpins that they could initiate disciplinary action against these various lawyers for conflicts of interest, fraud, refusal to make accountings and extortion, under Section 51-90. For a time, the Arpin papers disappeared from the court clerk's files, but were later found in a safe.

EEE. In 1966, the Congdon family retained co-conspirator Melvin Scott to protect their land from Stella Petrie's "adverse possession" efforts. Co-conspirator Scott and Attorney Fracasso, representing Petrie, measured the land at issue. Both concluded that the land was Congdon's and co-conspirator Scott informed the Congdons that Petrie was wrong. Co-conspirator Scott advised Harry Congdon, 65 years old, and in poor health, to occupy his land with a sheep. The Petrie's son-in-law, Frank Nasti, Jr., 35 years old, 240 pounds, threatened Mr. Congdon, then beat him, kicked him when he was down, and hit him with a stake. The selectman (one was a relative of the Petries), who had been burying people in the Congdon part of the cemetery on Congdon land, had Mr. Congdon arrested and taken to the police station, for allegedly beating Nasti, instead of being treated for his injuries. Mr. Congdon was forced to give up his job permanently, losing \$100 per week, and unable to do his farm chores. Petrie's suit to take over the Congdon land by "squatting" failed. The papers from that case are missing from the files of the court clerk. Mr. Congdon's civil suit against Nasti was handled by co-conspirators Scott, who stated he "liked money", John Ellsworth, who tried to persuade the Congdon to sign over the disputed land to Petrie, and Edward Lavallee. The case was discontinued for lack of prosecution. Nasti sued Mr. Congdon for "assault and battery" and he and co-conspirator John Collieran attached the Congdon property without giving the Congdons the due process rights of notice or an opportunity to be heard. The attachment has been permitted to stand to the present time. The many attempts by the Congdons to have their grievances processed by the defendant Grievance Committee members have not prevailed; the Committee has refused to inform the Congdons of their due process right to proceed against errant lawyers under Section 51-90 themselves, pro se or by counsel.

FFF. From prior to October, 1968, to the present time, the defendants Harris, Miner and McKay, while sworn to impartially and constitutionally investigate, and present to the Superior Court charges against lawyers of the New London County bar, maintained regular and frequent professional and social contacts among these same lawyers which "interfere with unbiased consideration of complaints by the Committee members".

GGG. On April 26, 1974, the cronyism and resultant repeated failure of the defendant New London County Grievance Committee members to enforce the laws of Connecticut against errant members of the New London County bar and protect the consumers of legal services in the New London County and other state courts caused the Connecticut Bar Association Board of Governors to approve Proposed Rules and submit them together with recommendations for adoption, to the Judges of the Superior Court of Connecticut. Among the proposed rules were:

Rule II - The State of Connecticut shall constitute a single disciplinary district.

Rule 5 (c) (5) - To assign to such hearings committees the conduct of probable cause proceedings concerning charges of misconduct, provided that such matters shall be referred to a hearing committee no member of which maintains an office for the practice of law in the same county as the accused attorney.

5. At all times prior to the events described above, the plaintiffs and the general public of New London County enjoyed peace of mind, security in their persons and possessions, relatively peaceful and just relationships with their fellow citizens, and the protection of the Constitutions and laws of the United States and of Connecticut.
6. As a direct and proximate result of the acts and conduct aforescribed, the plaintiffs and the general public have been deprived of peace of mind, due process of law and the equal protection of the law; they have been left insecure in their persons and possessions, have been threatened, intimidated, harassed, punished, and discouraged from exercising and have been unable to enforce their constitutionally-guaranteed rights, privileges, and immunities, have been charged with exorbitant and extortionate fees maintained by illegal minimum fee schedules, and have been unable to enjoy the benefits of a rigorously-disciplined bar.

WHEREFORE, the plaintiffs demand;

1. For each plaintiff, from the defendants jointly and severally, compensatory damages of four hundred thousand dollars and punitive damages of four hundred thousand dollars;
2. Treble damages for the violation of the Anti Trust laws of the United States;
3. That this Court appoint a guardian ad litem or counsel to protect the interests of the minor plaintiffs and provide them with due process of law;

4. That this Court convene a special three-judge Court to consider the constitutionality of denial of:

- (a) a Superior Court judge in the case New London Superior Court No. 36,506, Nadine Monroe v. Floyd Monroe, and order that the proceedings therein were unconstitutional and null and void;
- (b) an impartial prosecutor in the cases of the New London County and Hartford County Grievance Committees, and order that the composition of both Committees is unconstitutional and that, henceforce, no grievance committee member may participate in a matter concerning a lawyer practicing in his county.

5. That this Court order that the defendants, and their agents, employees, associates and successors, be temporarily and permanently enjoined and restrained from causing and committing, while acting in their capacities under color of law, any further enforcement of minimum fee schedules, and denial of, or deterring, blocking, discouraging, threatening, harassing, punishing, or otherwise interfering with, plaintiffs' constitutionally guaranteed rights, privileges, and immunities, including due process of law and equal protection of the law;

6. That this Court order the New London County and Hartford County Grievance Committees be placed under the control and operation of a Court-appointed receiver instructed to carry out the provisions of Connecticut General Statute Section 51-90 and;

7. That plaintiffs be allowed their costs herein, including reasonable attorneys' fees if any, or a sum in lieu of attorneys' fees, travel and other costs in prosecuting this action, and such other relief as may appear to this Court be justified.

By the plaintiffs, pro se

Nadine Monroe, individually and on behalf of her children, otherwise unrepresented.

AFFIDAVIT OF VERIFICATION

I, Nadine Monroe, herewith state under the penalty of perjury that I have read the above complaint and that all the factual statements of which I have direct personal knowledge are true, and of the remainder, I believe them to be true, to the best of my information, knowledge, and belief.

Signed this ____ day of May, 1976

Nadine Monroe

Subscribed and sworn before me, this date, May ___, 1976.

My commission expires _____

Notary Public

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the above Amended Complaint to all defendants' attorneys, this date, May __, 1976.

Nadine Monroe

176 / 239
UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JUN 15 11 22 AM '76

HARRY CONGDON, LOIS CONGDON, JANET CONGDON and LOIS CONGDON CHURCHILL; and

KEVIN LEBOVITZ and KEVIN LEBOVITZ, JR. and ROXANNE LEBOVITZ by their father,
next friend, and natural guardian, Kevin Lebovits, Plaintiffs

v.

L. PATRICK GRAY III, LOUIS C. WOOL, LOUIS C. MARUZO, ROY L. SMITH, MELVIN SCOTT,
JOHN COLLERAN, JOHN ELLSWORTH and EDWARD LAVALLEE, individually, and as
Commissioners of the Courts of Connecticut;

HENRY HARRIS, WILLIAM MINER and EDWARD MCKAY, Esquires, individually, and as
Chairman and Members, respectively, of the New London County Grievance Committee,
and as Commissioners of the Courts of Connecticut;

SUISMAN, SHAPIRO, WOOL & BRENNAN, a law partnership

ABRAHAM BORDON, Esquire, individually, and as State Referee of the Hartford County
Superior Court and Commissioner of the Courts of Connecticut;

FRANK NASTI, JR;

STELLA PETRIE;

WILLIAM BEEBE, individually, and as former Selectman of the Town of Lyme, Connecticut;

and

JOHN HAZER, JOSEPH FIRGELENSKI, and ROBERT MAXWELL, individually, and as Selectman
of the Town of Lyme, Connecticut, Defendants.

TRIAL BY JURY REQUIRED

VERIFIED COMPLAINT

1. This action arises under the Constitution of the United States and its First, Fifth, Eighth, Ninth, and Fourteenth Amendments; 15 USC Section 1, 3, 13, 15, and 25, 28 USC Sections 1331 and 1343; 42 USC Sections 1983, 1985, 1986 and 1988; and the laws of the State of Connecticut. The amount in controversy exceeds the sum of Ten Thousand Dollars, exclusive of interest and costs.
2. Defendants L. Patrick Gray III, Louis C. Wool, Henry Harris, William Miner, Edward McKay, Louis C. Maruzo, Roy L. Smith, Melvin Scott, John Colleran, John Ellsworth, Edward Lavallee, (hereinafter Gray, Wool, Harris, Miner, McKay, Maruzo, Smith, Scott, Colleran, Ellsworth and Lavallee), are all Attorneys at Law, duly admitted to practice and practicing under color of law of the State of Connecticut, and Commissioners of the Courts of Connecticut.

Defendant Suisman, Shapiro, Wool & Brennan (hereinafter the "partnership"), is a law partnership, duly registered as such with the appropriate municipal agency. Defendants Harris, Miner and McKay are the duly appointed and acting Chairman and Members, respectively, of the New London County Grievance Committee, acting at all times herein under color of law of Connecticut. Defendant Bordon is a duly appointed and acting State Referee, acting at all times herein under color of the laws of Connecticut. Defendants William Beebe is a former Selectman, and John Mazer, Joseph Firgelewski and Robert Maxwell, (hereinafter Beebe, Mazer, Firgelewski and Maxwell), are the duly elected and acting Selectman of Lyme, acting at all times herein under color of state law.

3. Prior to 1962, and continuing thereafter up to and including the filing of this Complaint, the defendants did unlawfully, knowingly, and wilfully combine, conspire, confederate and agree together and with each other, and with diverse other persons, under color of state law, to commit offenses against the United States and acts injurious to the plaintiffs, that is:

a. To knowingly and wilfully deny and defraud, by various schemes and artifices, including the bait and switch technique, the plaintiffs and the public in general, of due process of law and the equal protection of law, under color of state law, in violation of the 14th Amendment of the Constitution of the United States, Title 18, United States Code, Section 241; and Title 42, US Code Sections 1983 and 1985;

b. To knowingly and wilfully threaten, intimidate, harass, punish, and discourage, under color of state law, the plaintiffs and the public in general, from exercising their constitutionally-guaranteed rights, privileges and immunities, in violation of the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, Title 18, US Code Section 242, and Title 42, US Code Sections 1983 and 1985;

c. To knowingly and wilfully restrain the practice of law, an interstate trade, to deny the plaintiffs and the general public the benefits of constitutional and legal protections, and set, maintain and enforce illegal minimum fee schedules; in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and Title 15, US Code Sections 1, 3, 13, 15, and 25, all of which was in violation of Title 18, US Code Section 371;

4. In furtherance of the above conspiracy and in order to effect its objectives, the defendant did commit, among others, the following overt acts in New London County, Connecticut and elsewhere:

OVERT ACTS

A. At some time prior to August, 1968, defendant Harris, Miner and McKay were appointed members of the New London County Grievance Committee, (hereinafter the "Grievance Committee"), and caused to be commenced and commenced to deny the general public speedy, just, even-handed and inexpensive determination of the public's grievances against New London County lawyers. They refused and failed to present to the New London County Superior Court any offenses reported to them by pro se litigants or the general public, took action only against lawyers who were complained against by the New London County Bar Association's Board of Governors, and failed to take effective action against any lawyer against whom a grievance was, or should have filed.

B. In 1966 the Congdon plaintiffs retained defendant Melvin Scott to protect their land from defendant Stella Petrie's "adverse possession" efforts. Defendant Scott and Attorney Fracasso, representing defendant Petrie, measured the land at issue. It was concluded that the land was Congdon's and defendant Scott informed the Congdons that Petrie was wrong.

C. Defendant Scott advised plaintiff Harry Congdon, 65 years old, and in poor health, to occupy his land with a sheep. In June 1966, the Petrie's son-in-law, defendant Frank Nasti, Jr., 35 years old, 220 pounds, threatened Mr. Congdon, then beat him, kicked him when he was down, and hit him with a stake. Then Frank Nasti had Mr. Congdon arrested and taken to the police station, for allegedly beating defendant Nasti, instead of allowing him to be treated for his injuries. Plaintiff Lois Congdon Churchill wanted to drive plaintiff Harry Congdon to the police station, but they were refused this; plaintiff Harry Congdon was put in the barred prisoner section of the police car, without first being checked for injuries. Defendant Nasti was allowed to drive himself to the police station, although he was supposed to be under arrest also. Mr. Congdon was forced to give up his job permanently, losing \$120 per week, and unable to do his farm chores.

D. On April 17, 1967, defendant Stella Petrie filed suit to take over the disputed land by "squatter's rights" but it failed. The papers from the Petrie-Congdon case are missing from the files of the New London County Court.

E. Mr. Congdon's civil suit against defendant Nasti, filed July 1967, was first handled by defendant Scott, who stated "he liked money", then defendant

Ellsworth who tried to persuade the Congdons to sign over the disputed land to Petrie, and defendant Lavalley. The case was discontinued for lack of prosecution.

F. On October 17, 1967, defendant Nasti sued Mr. Congdon for "assault and battery" and he and defendant Collieran attached the Congdon property without giving the Congdons the due process rights of notice or an opportunity to be heard. The attachment has been permitted to stand to the present time although the case was discontinued for failure to prosecute on July 25, 1972.

G. At various times from 1961 to the present time, the defendant selectmen Beebe, Mazer, Forgelewski and Maxwell have ordered that various bodies be buried in the Congdon access paths to the Congdon family section of the Griffin Cemetery.

H. The defendant Selectmen of Lyme, Mazer, Forgelewski and Maxwell, have utilized various trust funds for the maintenance of other cemeteries, but have neglected and refused to use Griffin Cemetery funds for the upkeep of that cemetery, and neglected the graveyard, forcing the Congdons to do the maintenance themselves.

I. In early spring 1968, the defendant Selectmen of Lyme, Mazer, Forgelewski, and Maxwell, charged the plaintiff Harry Congdon falsely with "illegally operating a junkyard" on the Congdon property, while simultaneously having the Congdons assessed an automobile tax for unlicensed cars, discriminating against the Congdons compared to the other residents and taxable inhabitants of Lyme, denying the Congdons the equal protection of the law.

J. On May 6, 1968, the Selectmen had plaintiff Harry Congdon arrested on the false charge of "illegally operating a junkyard". He was taken to the police barracks a police car with a police dog in it. He was not read his rights. He was later found not guilty of the charge.

K. During this time defendant Ellsworth, advised the Congdons there was no tax on junk, and told them they couldn't keep the unregistered cars, farm tractor, and trucks and had to get rid of them. The Congdons had to pay about \$30 a load to a junkman to take the vehicles away. Taxes on the vehicles were to be removed for that year.

L. The Congdons received a tax bill for the 1967 unregistered cars with their tax bill for the farm property in 1972, as ordered by the Selectmen. On June 15, 1973, Janet Congdon left a check of \$279.13, for the full amount of all property taxes due from the Congdons, with the Tax Collector. The Tax Collector, acting under orders of the defendant Selectmen, collected the illegal 1967 personal property taxes on

the unregistered vehicles leaving a balance due on the farm property. The Congdons recently paid this bill under protest.

M. The many attempts by the Congdons to have their grievances processed by the defendant Grievance Committee members have not prevailed; the Committee has refused to inform the Congdons of their due process right to proceed against errant lawyers under Section 51-90 of the Connecticut law themselves, pro se.

N. In May, 1973, plaintiff Kevin Lebovitz retained defendant Wool to represent Lebovitz and his children's interests, and help Lebovitz return his children Kevin, Jr. (hereinafter Kevin) and Roxanne Lebovitz (hereinafter Roxanne) to their home with plaintiff Lebovitz from Rhode Island, where Mrs. Lebovitz had taken them illegally when she deserted Lebovitz to maintain an adulterous relationship with another man. Plaintiff Lebovitz asked defendant Wool if he could bring the children back to Connecticut, and defendant Wool falsely said no.

O. On Sept. 7, 1973, plaintiff Lebovitz paid defendant Wool \$250, and went to family court. Plaintiff Lebovitz had gathered evidence against his wife and her lover, but defendant Wool refused and failed to introduce it, and plaintiff Lebovitz was ordered to pay \$80 per week for alimony and child-support, all the utilities for the house and to vacate the house so his wife could move back in. Defendant Wool illegally and unethically told plaintiff Lebovitz not to leave the house until he told him to and, a short time later plaintiff Lebovitz was ordered into family court on contempt charges for not leaving. Wool then told Lebovitz to "leave the house that night or he would be in jail the next morning."

P. On October 9, 1973, plaintiff Lebovitz paid defendant Wool another \$250. Then defendant Wool asked Lebovitz for another \$500 "to save the house". Lebovitz paid Wool the \$500, but Wool did not save the house.

Q. In December, 1973, defendant Wool told plaintiff Lebovitz to hire a private detective to obtain additional evidence, which he did, but Wool later refused to put in evidence that which would have caused the plaintiffs to be reunited. This included evidence of malnutrition, diseases due to lack of normal cleanliness, and her giving the children dangerous, illegal drugs and cigarettes to smoke. When defendant Wool was shown the children, and saw how dirty they were, he promised to get custody for plaintiff Lebovitz, but never submitted any evidence or asked asked for a hearing on custody change.

R. Lebovitz's wife often refused to let him see his children, plaintiff Kevin, JR. and Roxanne, during court-ordered visitation, but defendant Wool refused to do anything about it. When he did get to visit the children they were always dirty.

S. In January 1974, plaintiff Lebovitz lost work because of bad weather, and could not keep up the temporary support payments, but Wool refused to act promptly to have the payments reduced. When the payments were finally reduced, defendant Wool and defendant Maruzo, Lebovitz's wife's lawyer, made Lebovitz give her the family car. Defendant Wool told Lebovitz that his wife had to pay the installments on the car and to give her the payment book. She did not make the payments, and the bank took the car. Defendant Wool informed Lebovitz falsely that he could get the car from the bank if he made the back payments, that this would keep his (Lebovitz) credit rating from going bad, but that Lebovitz would have to sell the car quickly, even at a loss. Lebovitz lost approximately \$800 on the forced sale of the car, and his credit is so bad he cannot get a loan on another car. Defendants Wool and Maruzo told plaintiff Lebovitz to get to work somehow or go to jail for failing to pay support.

T. Prior to going to court for the divorce on June 10, 1974, defendants Wool and Maruzo demanded \$1,250 for Wool and \$250 for Maruzo. Defendant Wool gave up the plaintiffs right to be heard by a competent judge, in order to make work for defendant Bordon, a state referee.

U. On June 10, 1974, a hearing was supposed to be held before defendant Bordon. Plaintiff Lebovitz had brought in the private detective and other witnesses to his wife's using drugs and giving them to the children. Defendant Bordon refused to hold the hearing, and defendant Wool failed and refused to put in any evidence, to get the plaintiffs' a proper hearing, so they were denied their constitutional rights to a hearing on the merits and to submit evidence on their behalf. Defendants Wool and Maruzo determined the settlement.

V. After the settlement on June 10, 1974, defendant Wool delayed taking action to settle the sale of the house, so the plaintiff Lebovitz was forced to retain defendant Smith for a fee of \$400 and he agreed to get the house conveyed to plaintiff Lebovitz.

W. Neither defendant Wool or Smith would give plaintiff Lebovitz a copy of his divorce decree. On February 20, 1976 he finally purchased a copy from the court clerk. Defendant Smith informed plaintiff Lebovitz that defendant Bordon should never have signed the papers the way the divorce was settled and he also said that defendant Wool had misrepresented the plaintiff but would not take a malpractice suit against him. He did not offer any information regarding the New London County Grievance Committee.

X. On Easter Sunday, 1975, Lebovitz went to Rhode Island to pick up his children but no one was home. Defendant Smith told Lebovitz not to pay support for weeks he didn't get his children. Lebovitz followed his advice, and two months later, defendant Smith called Lebovitz and told him that the sheriff was looking for Lebovitz to serve papers for non-support. Defendant Smith volunteered to take service for the papers from the sheriff without Lebovitz's knowledge or consent. Defendant Smith then changed his statement, and advised Lebovitz not to withhold payments when he was refused court-ordered visitations, even though such visitations are constitutional right, and refused to ask the court for equal procedural rights for men in family problems. During this time plaintiff Kevin, Jr. was denied proper medical treatment for an infection of his toe, which later required a skin graft.

Y. In June, 1975, defendants Smith and Maruzo had support payments raised because Lebovitz's ex-wife was pregnant by her new husband, and had new expenses.

Z. In the last week of June, 1975, plaintiff Lebovitz was laidoff, but Smith refused and failed to get the support payments lowered, leaving plaintiff Lebovitz with but \$20 per week to live on.

AA. On July 1, 1975, the Lebovitz plaintiffs were allowed two weeks visitation. The skin graft location on Kevin's leg had still not healed, because of lack of medical treatment. Plaintiff Lebovitz had to train his children all over again to use soap.

BB. Starting October 1, 1975, the plaintiffs were kept apart by refusal of defendants Smith and Maruzo to enforce visitation. When plaintiffs were next together, plaintiff Kevin, Jr. had impetigo sores all over his body. For the next few weekends, plaintiff Lebovitz had to arrange diagnosis, treatment, and medication for plaintiff Kevin, Jr. Neither child is being taught to clean their teeth, and Kevin, Jr. has a great deal of dental problems. Defendant Smith still refused to apply for change of custody.

CC. On December 10, 1975, defendant Maruzo demanded and received \$500, for a total payment of \$750, the judgment later disclosed he was only to receive \$500, and Smith demanded and received an additional \$116,68. Plaintiff Lebovitz asked defendant Smith again to get a change custody, but defendant Smith said that it would be difficult, and take a long time, without much chance of success because defendant Maruzo's wife is on the state board of health, and defendant Maruzo has relatives who are judges and lawyers in New London and Norwich courts.

DD. On May 21, 1973, when the plaintiff first learned about the New London County Grievance Committee, he telephoned their office and asked what could be done. Defendants Harris, Miner and McKay refused and failed to tell him that he could file his own removal action in the Superior Court, and need not ask them. They have not informed him that they do not give speedy consideration to pro se grievances and have never acted against a lawyer on the basis of a pro se grievance. Shortly thereafter, the plaintiff Lebovitz filed a complaint against defendants Wool, Smith and Maruzo, with the Grievance Committee.

EE. In Nov. 1962, Helen Arpin retained co-conspirator Allyn Brown, Jr. in an accident case. Brown knowing that he represented Aetna Casualty Insurance, accepted the case involving an uninsured tortfeasor although Aetna carried the "uninsured motorist" protection insurance for Mrs. Arpin. Four years after co-conspirator Brown was retained, he permitted the withdrawal from the case of the other defendant, the owner of the car, who was fully insured. The Arpins had no knowledge of the settlement; they received a check from Brown for 1900, with no accounting. Brown filed another accident action for the Arpins, against Mr. Romanski in 1964, but took no action in four years, so the cases were turned over to the Arpin's next lawyer. On Nov. 22, 1968, Brown moved for permission to withdraw on the basis that he was counsel for Aetna Insurance Company, a conflict of interest. Attorney Robert Leuba, a former member of Brown's law firm, took over the case. For two years Leuba and his associate, Leo McNamara, refused to answer any call made by the Arpins. In 1970 the Arpins filed a grievance with the defendant Grievance Committee members against Leuba and McNamara. Several months went by, and receiving no answer, the Arpins wrote again. Receiving no reply to the second letter, Mr. Arpin called defendant Harris, and was told never to call him again, as he was a very busy man; Arpin was told to write letters. Arpin stated he had written letters. Defendant Harris told Arpin to call Attorney McNamara, who met with the Arpins, apologized for the delay, and stated he would try to get a hearing. On October 30, 1970, a withdrawal from the jury docket was filed in the first Arpin accident case. Ten days later a "final discontinuance" was filed. On Dec. 1, 1970, a total special damages amount of 12,300 was entered. Two days later a judgment in the amount of 17,764.67 was entered. The Arpins were not informed of the judgment, and found it out much later thru their physician, Dr. Gosselin. On August 12, 1971, Brown's firm sent a letter to the Arpins asking for payment of the physician's bill and threatened a wage execution to settle the physician's 1600 bill.

In December, 1972, the Arpins retained co-conspirator Attorney Konstant Morrell to collect the judgment and pursue the neglected Romanski case. In December 1973, Attorney Post of Morrell's firm requested a conference with both Brown and McNamara to resolve the malpractice claims. Nothing happened, so in May 1974, the Arpins sent another letter to the defendant Grievance Committee members. Five days later, defendant Harris acknowledged receipt of the letter. A month later, the Arpins sent another letter about the same grievances, and another month later, Mr. Arpin called and was told he was not in. His call was not returned. In August 1974, Arpin requested the New London County Bar Association to write to defendant Harris. There was no reply. In Sept. 1974, Arpin wrote the Connecticut State Judicial Department, and in October, a meeting was arranged between the Arpins and Attorney Morrell. On Nov. 14, Morrell wrote a letter making false statements about the Arpins' call. The Arpins finally forced Morrell to arrange a meeting to discuss settlement with Attorney McNamara since Attorney Brown was on a cruise. McNamara offered \$2-3,000. The Arpins rejected the offer, and asked co-conspirator Morrell to file malpractice actions. Morrell refused, and the Arpins contacted eight other New London vicinity attorneys to sue for malpractice, all refused. Co-conspirator Albert Genua refused to file malpractice suits, but offered to settle the cases, and two days later, offered \$5,200 to be accepted "on the spot". When questioned by Arpin, Attorney Genua threatened to throw him out of the office. In May 1975, the State Judicial Department finally responded, by communicating with Chief Justice Potter for help. In August, 1975, the Arpins retained co-conspirator Attorney Friedle, and in January 1976, signed a release in favor of Brown and McNamara, accepting \$5,200. Co-conspirator Friedle wrote a letter to the Arpins stating "You are not to make further complaints to any commission or committee, nor are you to threaten or attempt to pursue litigation," continuing the conspiracy to deny due process of law and the redress of grievances to laymen, and to deny the equal protection of the law, to members of the class of laymen seeking simple justice and redress against lawyers. On Feb. 25, 1976, Attorney Friedle refused to sue Attorney Morrell for malpractice, and criticized the Arpins for complaining about Morrell. In March 1976, Attorney Morrell ignored and refused the request for their files made by the Arpins. Throughout this period, the Grievance Committee member defendants refused to inform the Arpins that they could initiate disciplinary action against these various lawyers for conflicts of interest, fraud, refusal to make accountings and extortion, under Section 51-90. For a while the

Arpin papers disappeared from the court clerk's office files, but were later found in a safe.

FF. From the latter part of June, 1972, to September, 1972, defendant Gray took complete transcripts made from the recording tapes of the illegal "bugs" installed at the Democratic National Committee Headquarters in the Watergate building and transcripts of FBI interviews of Watergate suspects to the White House where they were examined by principals in the Watergate crimes, which acts were known by the general public and the defendant Grievance Committee members, Harris, Miner and McKay.

GG. In summer of 1972, defendant Gray transported across state lines to his home in Stonington, Connecticut "forged documents" that had been taken from the safe of Watergate conspirator E. Howard Hunt and months later Gray burned these documents with his Christmas trash, an act which became public knowledge and of the defendants Harris, Miner and McKay were well aware.

HH. On January 11, 1973 defendant Gray ordered an illegal and unconstitutional "mail cover" on the national headquarters of a political party, the Socialist Workers Party, knowing that there was no indictment pending against any members of the political party who was under indictment. From time to time, defendant Gray ordered other illegal and unconstitutional "mail covers" and telephone taps.

II. In March, 1973, defendant Gray committed perjury in the United States Senate hearing on his proposed confirmation as permanent director of the FBI, which illegal and unethical act was known to the general public and defendants Harris, Miner and McKay.

JJ. At some time prior to June 7, 1974 defendant Harris, as Chairman of the New London County Grievance Committee, sent for and obtained, the American Bar Association file compiled on defendant Gray. After receiving the file Harris, Miner and McKay refused and failed to investigate and present to the Superior Court, as required by Connecticut General Statutes Section 51-90, the offenses committed by defendant Gray that were delineated in the American Bar Association file, including, but not limited to, perjury before a Senate Committee, destruction by burning of evidence taken from the White House safe of E. Howard Hunt, and the giving of transcripts of White House personnel of illegally "bugged" telephone conversations of the Democratic National Committee (the fruits of the conspiracy to "bug" the Watergate premises) and of FBI interviews with Watergate witnesses.

She's not a party!

KK. In August, 1968, co-conspirator lawyer Londregan lied to Nadine Monroe concerning legal duties he had contracted to perform for her and her children, concealing from her that he was denying them due process of law. Later in the fall of 1968, co-conspirator Londregan showed defendant Wool, attorney for Floyd Monroe, Nadine Monroe's adversary important material evidence which Nadine Monroe had instructed him not to disclose to the opposition. After showing defendant Wool the evidence he was not to divulge, co-conspirator Londregan, on instruction of defendant Wool, falsely informed Nadine Monroe she could not use the evidence, denying the Monroes their right to introduce evidence in support of their cause. In Nov. 1968, co-conspirator Londregan made false recommendations to Nadine Monroe concerning the amount of support she should obtain from Floyd Monroe, denying the Monroe children in the judicial determination of amounts due them.

LL. In April, 1969, co-conspirator Gilman, after becoming counsel for Nadine Monroe, illegally advised her to sign fraudulent income tax papers. Shortly before June 13, 1969, defendant Wool and co-conspirator Gilman and Floyd Monroe failed and refused to provide insurance protection for Lisa and Floyd Richard, and on June 13, 1969 caused to be given and gave fraudulent perjured testimony, injurious to the plaintiffs' cause, which perjury was not discovered by the Monroes until late in August, 1971. On June 13, 1969 co-conspirator Gilman refused to challenge false evidence submitted by defendant Wool, failed and refused to obtain an order for payments to which the plaintiffs were entitled as a matter of law, failed and refused to make a claim on funds which were due the plaintiffs as a matter of law, failed and refused to argue pleading he previously filed, denying the Monroes benefits of funds they were due as a matter of law, and accepted an unjust settlement for the plaintiffs without knowledge or consent of Nadine Monroe. At the end of the court proceeding that day, co-conspirator Gilman advised Nadine Monroe against prompt termination of the litigation, intending thereby to permit, and permitting, defendant Wool and his client, Floyd Monroe, to conceal and remove funds in which the Monroes had a lawful interest.

MM. On July 14, 1969, defendant Wool filed a pleading in the New London County

Superior Court, and by prearrangement with co-conspirator Gilman, the pleading was not prosecuted, thereby allowing the concealment and removal of the Monroes' funds to continue. On January 21, 1971, defendant Wool filed a pleading to exert extortionary pressure on Nadine Monroe, and co-conspirator Gilman failed and refused to respond to the pleading to deny the Monroes a speedy determination of the issues. On February 17, 1971 co-conspirator Gilman filed an unjustified pleading seeking payment of \$7,500 from Floyd Monroe without the knowledge or consent of Nadine Monroe, making reasonable and prompt settlement of the issues and termination of the proceedings impossible. On September 27, 1971 defendant Wool and co-conspirator Gilman met for two hours, and agreed to deny the Monroes effective representation. In October 1971, co-conspirator Gilman made himself unavailable to Nadine Monroe, and instructed his secretary to inform her that he was on vacation and Floyd Monroe said he would "play dirty" if Nadine Monroe continued to press for the divorce. In November, 1971, Co-conspirator Gilman became insulting and verbally abusive and shouted at Nadine Monroe. He made false statements that she had no grounds for a divorce and refused to use effective material evidence in his possession. He stated falsely that the Floyd Monroe and Son corporation, whose sole owner was defendant Floyd Monroe, was not a family asset which plaintiffs could share as a matter of law. He falsely and extortionately maintained to Nadine Monroe that she should accept a \$10,000 settlement and the "privilege" of obtaining the divorce, and that if she did not, she would get "nothing". On December 1, 1971, co-conspirator Gilman refused to return papers, including evidence not introduced in court, to Nadine Monroe until or unless she paid him an extortionate sum. He did not return her papers until February 1, 1972. On January 26, 1972, co-conspirator Gilman filed a request to withdraw from the case, and the next day, defendant Wool filed a cross complaint for divorce for Floyd Monroe.

NN. On March 2, 1972, defendant Wool filed a motion to place the complaints on the uncontested list knowing full well that the Monroes wished to contest the complaints, making it necessary for Nadine Monroe to hire co-conspirator Sikorsky to prepare and file her objection to uncontested proceedings. In the period March 2 to 13, 1972, co-conspirator Sikorsky misrepresented his diligence to Nadine Monroe, and promised a "gangbuster" action including the divorce decree by that summer. On or about March 24, 1972, co-conspirator Sikorsky and his associates cancelled the deposition of Floyd Monroe that had been granted by the Court on March 17, promised to reschedule the deposition promptly, but failed and refused

to do so. In June, 1972, co-conspirator Sikorsky had a conference with Nadine Monroe, admitted he had not handled the case properly, stated he was terminating his associate who had cancelled the deposition described in Paragraph NN. above, and stated he knew nothing about the case being referred to a State Referee, co-conspirator Troland. Defendant Sikorsky delayed the deposition of defendant Floyd Monroe until September 11, 1972, and amended the complaint to include two more serious charges against Floyd Monroe the day after he took the deposition. On September 11, at the deposition, Floyd Monroe refused to answer material questions upon advise of defendant Brand, and committed perjury in a material matter, that is, his ownership of Floyd Monroe and Son, Inc. On October 13, 1972, co-conspirator Sikorsky sent a young member of his firm, with no courtroom experience, to argue the motion he had filed to force Floyd Monroe to answer deposition questions. He failed to tell Nadine Monroe or the young inexperienced lawyer that the case had been transferred to co-conspirator State Referee Troland four months previously, without prior knowledge or consent of Nadine Monroe who did not want any referee, and specifically did not want Troland, who was 81 years of age at the time. Co-conspirator Sikorsky stated that the Monroes had to proceed with co-conspirator Troland as Referee; "they had to go ahead with him."

OO. In November 1972, defendant Brand took the deposition of Nadine Monroe, represented by another associate of co-conspirator Sikorsky, who was totally unfamiliar with the case, furthering the goals of the conspiracy to deprive the Monroes of due process of law by use of the "bait and switch" technique. In January, 1973, defendant Brand had Floyd Monroe send him several support checks for the plaintiffs which he forwarded to co-conspirator Sikorsky's office. Sikorsky sent one check back to Brand, further delaying payment of living costs.

PP. From 1973 to the present, the defendant members of the New London County Grievance Committee have refused and failed to consider grievances against any referee, including defendant Troland, maintaining that he was a "judge", knowing full well that the Connecticut Judicial Review Council would not consider any complaints against defendant Troland because he was not a judge.

QQ. On February 6, 1973, at the commencement of the Monroe divorce hearing defendant Wool and co-conspirators Sikorsky, Brand and Troland represented that Nadine Monroe had to go forward with Troland as Referee, forcing her to settle rather than rely on the judgment of co-conspirator Troland. Sikorsky proceeded without resolving

the problems of fraud and perjury by Floyd Monroe or determining the actual worth of the corporation or obtaining copies of Floyd Monroe's income tax returns which were material, denying the Monroes access to evidence needed to protect their interests. Co-conspirator Sikorsky refused and failed to place on record Floyd Monroe's perjury concerning concealment of ownership of the corporation stock, or any evidence about concealment of assets at the Chase Manhattan Bank. A Certified Public Accountant, under guidance of defendant Wool, gave inaccurate, misleading and incomplete testimony, and co-conspirator Sikorsky failed and refused to resolve the conflicts between the testimony of the Certified Public Accountant and that of Floyd Monroe.

RR. On March 9, 1973, co-conspirator Sikorsky demanded more money of Nadine Monroe, without itemizing charges or previous payments, and she paid him \$640.95, which made a total payment of \$3,000. In August 1973, co-conspirator Sikorsky refused Nadine Monroe's request to resolve automobile and the children's trust fund problems and obtain settlement of plaintiff Floyd Richard's medical bills. Sikorsky stated he would go to court at a later date but didn't.

SS. On September 4, 1973, Nadine Monroe complained to defendants Harris, Miner and McKay, about co-conspirator Gilman. They neglected to process the complaint as required by law. On January 7, 1974, Nadine Monroe wrote to Judge Santaniello and asked him to take action. He contacted the defendants of the Grievance Committee, who informed him and Nadine Monroe falsely that they were investigating and that Nadine Monroe would be informed of a decision promptly.

TT. In the Spring of 1974, co-conspirator Sikorsky stated "we" should settle the automobile problem for less as "we" had waited too long to go into court, admitting his malpractice. He admitted he had not completed the necessary work on the child plaintiffs' trust fund. He instructed Nadine Monroe to reopen the divorce case because of Floyd Monroe's perjury by asking State's Attorney O'Brien to prosecute him. O'Brien refused; Sikorsky delayed the matter further; the case was never reopened. On Feb. 6, 1974, co-conspirator Sikorsky sent a bill of \$336 for unitemized services allegedly rendered. When Nadine Monroe asked for an accounting, he refused and stated he would keep her papers until she paid him, and he has kept them to this date. On December 2, 1974, co-conspirator Sikorsky, through a lawyer purporting to represent him, demanded payment of \$336.00, from Nadine Monroe in an extortionary letter.

UU. On December 2, 1974, Nadine Monroe wrote Judge Santaniello again, who met with her, and contacted the defendant New London County Grievance Committee members again. On Jan. 6, 1975, the defendants of the New London County Grievance Committee

wrote a false and fraudulent letter to Nadine Monroe, demonstrating that they had failed and refused to promptly inquire into, investigate thoroughly, and "present to the court" the offenses of co-conspirator Gilman, namely conspiracy with defendant Wool and Floyd Monroe to delay and injure the Monroes and actual gross delay and resultant injury, extortion by refusal to return documents, the property of Nadine Monroe, until and unless he was paid, illegal advice to sign fraudulent income tax papers, failure to provide insurance protection for Lisa and Floyd Richard, causing false testimony to be given by Floyd Monroe, refusal to challenge false evidence submitted by defendants Wool and Floyd Monroe, refusal to obtain court orders to which the Monroes were entitled, refusal to make claims of funds due the plaintiffs, refusal to argue pleadings he had filed previously, acceptance of an unjust settlement without the knowledge or consent of Nadine Monroe, failure to conclude litigation, allowing defendant Wool and Floyd Monroe to conceal and remove at least \$200,000 in which the Monroes had interest, collusion with defendant Wool in failure to argue pleadings, filing pleadings for unjust payment of legal fees by Floyd Monroe without knowledge or consent of Nadine Monroe, making himself unavailable to Nadine Monroe so that Floyd Monroe could make threats to her, making false and abusive statements and shouting at Nadine Monroe, extortion, and refusal to return the lawful property of Nadine Monroe to her.

VV. When prior to September 1975, defendant McKay, as a member of the New London County Grievance Committee, hereinafter the "Grievance Committee", was informed in writing by Mr. Kraemer that Kraemer's lawyer, co-conspirator John Doe practicing in New London County, had charged a fee of \$1,000 to prepare an appeal from a state board ruling, collected the fee, and never filed the appeal, never informed Kraemer of the failure to file the case, and refused to return any part of the \$1,000 fee, defendant McKay and his fellow defendants Harris, and Miner, took no action and never acknowledged the receipt of the grievance.

WW. Several months after the events of Para. VV. above, Mr. Kraemer secured an official grievance form from the Clerk of the New London County Superior Court, and filed an official grievance in duplicate with the Clerk against co-conspirator John Doe. Kraemer never received any knowledge of the complaint nor has he had any of the services paid for rendered by John Doe, nor was he refunded the \$1,000.

XX. Shortly after the events described in Paras. VV. and WW above, the defendant members of the Grievance Committee, Harris, Miner and McKay, received a letter from Judge Longo, then presiding Judge of the New London Superior Court, describing the actions of co-conspirator John Doe, Mr. Kraemer's lawyer. The defendant members of the Grievance Committee did not acknowledge receipt of the letter to Mr. Kraemer,

and took no action on Judge Longo's letter.

YY. In 1972, the defendant members of the New London County Grievance Committee started a disciplinary action against co-conspirator Attorney Gerald McDermott, for proven grand larceny by embezzlement of \$550 of the Groton Shipbuilder's Credit Union, a workmens' mutual building and loan association. Although co-conspirator McDermott never made restitution, he was required to resign from the bar, and was not charged with, or prosecuted for, the crime. When another larceny by co-conspirator McDermott came to light when he was no longer a lawyer, he was sentenced to serve "time". The crimes were identical; when McDermott lost his protective aura of lawyer, he was promptly sentenced to jail on the same type of offense.

ZZ. In 1972, co-conspirator Attorney Irving Spiro, and co-conspirator Attorney Richard Wagner, in 1975, each stole over 5,000 from estate funds. The defendant Grievance Committee members prosecuted, and co-conspirators Spiro and Wagner were never charged with any crime. Co-conspirator Spiro was suspended from the bar for four months after co-conspirator Gilman, Spiro's attorney, pleaded that Spiro not be suspended, asking, "How do you discipline stupidity?" Co-conspirator Wagner resigned from the bar. Neither lawyer was ever charged with any criminal offense, a fate reserved for laymen, denying the general public "equal protection of the law".

AAA. In the fall of 1974, co-conspirator Attorney Milton Jacobson slandered Daniel Malchman and filed a baseless civil action against Malchman which was later withdrawn after publicity which damaged Malchman's reputation and business. Jacobson had Bernard Malchman, Daniel's father, then very ill and living at a different address, served with process in the suit, causing great distress to Bernard, and to his son when he observed the grievous injury to his father. When Malchman filed a grievance with the defendant Grievance Committee members on December 19, 1974, he was told that co-conspirator Jacobson had 30 days to respond. Four months later, not having heard from the Grievance Committee, Malchman contacted the defendant law firm, Suisman, Shapiro, Wool & Brennan, to sue Jacobson for loss of business due to the bad publicity from the baseless lawsuit and resulting embarrassment from the suit and the false statement. The defendant law firm refused to take action against a fellow attorney, denials of equal protection of the law, of due process of law, and the First Amendment right to petition for redress of grievance, not only to Malchman and the general public, but the plaintiffs herein. For almost eighteen months, Mr. Malchman received no reply from the defendant Committee members. In March 1976, when Malchman again called the Committee, he was told that Jacobson should "apologize". Jacobson has

refused to even do this. Mr. Malchman has never been informed by the defendant Grievance Committee members that he may bring a disciplinary action against Jacobson himself, another denial of due process of law by the New London County Grievance Committee, injuring a layman, and denying the public and the plaintiffs the benefits of a rigorously-disciplined bar.

BBB. From prior to October 1968, to the present time, the defendants Harris, Miner and McKay, while sworn to impartially and constitutionally investigate, and present to the Superior Court charges against lawyers of the New London County bar, maintained regular and frequent professional and social contacts among these same lawyers which "interfere with unbiased consideration of complaints by the Committee members."

CCC. On April 26, 1974, the cronyism and resultant repeated failure of the defendant New London County Grievance Committee members to enforce the laws of Connecticut against errant members of the New London County bar and protect the consumers of legal services in the New London County and other state courts caused the Connecticut Bar Association Board of Governors to approve Proposed Rules and submit them together with recommendations of adoption, to the Judges of the Superior Court of Connecticut. Among the proposed rules were:

Rule II - The State of Connecticut shall constitute a single disciplinary district.

Rule V (c, 5) - To assign to such hearings committees the conduct of probable cause proceedings concerning charges of misconduct, provided that such matters shall be referred to a hearing committee no member of which maintains an office for practice of law in the same county as the accused attorney.

5. At all times prior to the events described above, the plaintiffs and the general public of New London County enjoyed peace of mind, security in their persons and possessions, relatively peaceful and just relationships with their fellow citizens, and the protection of the Constitution of the United States and the laws of Connecticut.

6. As a direct and proximate result of the acts and conduct aforescribed, the plaintiffs and the general public have been deprived of peace of mind, due process of law and the equal protection of the law; they have been left insecure in their persons and possessions, have been threatened, intimidated, harassed, punished, and discouraged from exercising and have been unable to enforce their constitutionally-guaranteed rights, privileges, and immunities, have, in the case of plaintiff Harry Congdon, been beaten, falsely arrested, and illegally imprisoned, have been charged with exorbitant and extortionate fees maintained by illegal minimum fee schedules, and have been unable to enjoy the benefits of a rigorously-disciplined bar.

WHEREFORE, the plaintiffs demand:

1. For each plaintiff, with the exception of the plaintiffs Harry Congdon and Kevin Lebovitz, Jr. and Roxanne Lebovitz, from the defendants jointly and severally, compensatory damages of four hundred thousand dollars, and punitive damages of four hundred thousand dollars, and for plaintiffs Harry Congdon and Kevin Lebovitz, Jr. and Roxanne Lebovitz, from the defendants, jointly and severally, compensatory damages of eight hundred thousand dollars each and punitive damages of eight hundred thousand dollars each;
2. Treble damages for the violation of the Anti Trust laws of the United States;
3. That this Court appoint a guardian ad litem or counsel to protect the interests of the minor plaintiffs and provide them with due process of law;
4. That this Court convene a special three-judge Court to consider the constitutionality of denial of:
 - (a) a Superior Court judge in the New London Superior Court case No. 42765, Dorothy Ann Sposato Lebovitz v. Kevin Lebovitz, and order that the proceedings therein were unconstitutional and null and void;
 - (b) that the appointment of any State Referee over 70 years of age who is paid by the day of service and selected by attorneys instead of a judge in a contested case is a denial of an impartial tribunal and thus a denial of due process under color of state law; and
 - (c) an impartial prosecutor in the case of the New London County Grievance Committee, and order that the composition of that committee is unconstitutional, that henceforth, no grievance committee member may participate in a matter concerning a lawyer practicing in his county.
5. That this Court order that the defendants, and their agents, employees, associates and successors, be temporarily and permanently enjoined and restrained from causing and committing, while acting in their capacities under color of law, any further enforcement of minimum fee schedules, and denial of, or deterring, blocking, discouraging, threatening, harassing, arresting, prosecuting punishing or otherwise interfering with, plaintiff's constitutionally guaranteed rights, privileges, and immunities, including due process of law and equal protection of the law;
6. That this Court order the New London County Grievance Committee placed under the control and operation of a Court-appointed receiver instructed to carry out the provisions of Connecticut General Statutes Section 51-90 and;

7. That plaintiffs be allowed their costs herein, including reasonable attorneys' fees if any, or a sum in lieu of attorneys' fees, travel costs in prosecuting this action, and such other relief as may appear to this Court to be justified.

By the plaintiffs, pro se

Harry Congdon *Lois Congdon* *Janet Congdon* *Lois Congdon Churchill*
Harry Congdon Lois Congdon Janet Congdon Lois Congdon Churchill
Beaverbrook Rd. Beaverbrook Road Beaverbrook Rd. 22 Lebanon Avenue
Lyne, Conn. Lyne, Conn. Lyne, Conn. Colchester, Conn.

Kevin Lebovitz
Kevin Lebovitz
46 Morgan Street
Pawcatuck, Conn.
individually, and on
behalf of his children,
otherwise unrepresented

AFFIDAVITS OF VERIFICATION

We, Harry Congdon, Lois Congdon, Janet Congdon and Lois Congdon Churchill, herewith state under penalty of perjury that we have read the above complaint and that all the factual statements of which we have direct personal knowledge are true, and of the remainder, we believe them to be true, to the best of our information, knowledge and belief.

Signed this day the 3 of June, 1976.

Harry Congdon *Lois Congdon* *Janet Congdon* *Lois Congdon Churchill*
Harry Congdon Lois Congdon Janet Congdon Lois Congdon Churchill

Subscribed and sworn before me, this date, June 3, 1976.

My Commission expires

4-1-80
4-1-80

Kevin Lebovitz
Notary Public

AFFIDAVIT OF VERIFICATION

I, Kevin Lebovitz, herewith state under penalty of perjury that I have read the above complaint and that all the factual statements of which I have direct personal knowledge are true, and of the remainder, I believe them to be true, to the best of my information, knowledge and belief.

Signed this the 4th day of June, 1976.

Kevin Lebovitz
Kevin Lebovitz

Subscribed and sworn before me, this date, June 4th, 1976.

My commission expires

April 1 - 1978

J. Leo Higgins
Notary Public

Approved by General

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UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

JUN 29 2 11 PM '76

U.S. DISTRICT COURT
HARTFORD, CONNECTICUT

NADINE MONROE, ET AL. :

v. :

CIVIL NO. H-76-91

L. PATRICK GRAY, ET AL. :

HARRY CONGDON, ET AL. :

v. :

CIVIL NO. H-76-239

L. PATRICK GRAY, III, ET AL. :

RULING ON MOTIONS TO DISMISS

The plaintiffs, Nadine Monroe and her two children, Floyd, Jr. and Liza, have brought this action alleging two conspiracies to deprive them of their constitutional rights, and one conspiracy in violation of the antitrust laws of the United States. The defendants are Floyd Monroe, Jr., Ms. Monroe's ex-husband, Martin Gottesdiener, a Certified Public Accountant, 15 judges and attorneys, and one law firm. Each of the defendants has filed a motion to dismiss the action.

A detailed examination of the 15-page amended complaint discloses three separable claims, each of which must be addressed individually. Conley v. Gibson, 355 U.S. 41 (1957).^{1/}

^{1/} On April 28, 1976, Ms. Monroe moved to amend her complaint to add parties plaintiff and defendant. That motion was denied on April 30, 1976. The new plaintiffs proceeded to

I. The Divorce Conspiracy

The original conspiracy is alleged to have arisen during the divorce proceedings between the plaintiff, Ms. Monroe, and her husband. The complaint alleges that Mr. Monroe, his Certified Public Accountant, Martin Gottesdiener, and his attorneys, Louis C. Wool and Andrew Brand, and their law firm, Suisman, Shapiro, Wool and Brennan, conspired with Thomas E. Troland, the Referee of the New London County Superior Court who presided at the divorce proceedings, and Ms. Monroe's three successive attorneys, Francis Londregan, George Gilman and Igor Sikorsky, Jr., to deprive her of due process and equal protection of the laws during the course of those proceedings. Jurisdiction is alleged to exist pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343.^{2/}

A. The State Referee

Insofar as the complaint attempts to state a claim against Referee Troland, it must be dismissed. Since he was presiding at a divorce proceeding in a judicial capacity, he is immune from suit under § 1983. Pierson v. Ray, 386 U.S.

1/ cont'd

file an independent action, Congdon v. Gray, Civil No. H-76-239. This new suit raises issues identical to those decided here and therefore requires an identical disposition.

2/

The complaint also contains allegations of jurisdiction pursuant to 28 U.S.C. § 1331 and 42 U.S.C. §§ 1985, 1986, and 1988. It does not, however, state facts sufficient to support jurisdiction under those sections.

547 (1967); Lombardi v. Bockholdt, Civil No. H-75-221 (D. Conn. Nov. 17, 1975), aff'd mem., (2d Cir. April 21, 1976).

B. The Remaining Defendants

The two essential allegations to a § 1983 claim are: 1) that the conduct complained of subjected the complainant to a deprivation of rights, privileges, or immunities secured by the Constitution and laws of the United States, and 2) that the conduct complained of was done or caused to be done by a person acting under the color of state law.

In this conspiracy there are no allegations against state officials except Referee Troland, and since he is immune from suit, he cannot supply the necessary nexus to official activity. Hansen v. Ahlgrimm, 520 F.2d 768 (7th Cir. 1975). The fact that attorneys in Connecticut are also Commissioners of the Court does not convert their every activity into state action for the purposes of § 1983. See Fine v. City of New York, 529 F.2d 70, 74 (2d Cir. 1975); Steward v. Meeker, 459 F.2d 669 (3d Cir. 1972). Consequently this claim of conspiracy must be dismissed against all the named defendants for failure to state a claim upon which relief can be granted as well as for lack of jurisdiction. Lombardi v. Bockholdt, Civil No. H-75-221 (D. Conn. Nov. 17, 1975), aff'd mem., (2d Cir. Apr. 21, 1976).

II. The Grievance Committee Conspiracy

In this claim, Ms. Monroe alleges that when she brought charges against the attorneys involved in her divorce action

to the grievance committees of New London and Hartford Counties, the members of those committees refused to prosecute her complaints, and thus denied her due process and equal protection of the laws. She further alleges that this refusal to act on her complaints was part of a larger conspiracy on the part of the grievance committees to refuse to investigate all complaints against attorneys made by private individuals. She also alleges that Judge Angelo Santaniello, of the Connecticut Superior Court, is equally liable for at least condoning, and at most participating in the conspiracy. Finally, she has included L. Patrick Gray in her claim as an example of an attorney who, she claims, should have been disciplined by the New London County Grievance Committee. Jurisdiction is alleged to exist pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343.

A. The Judge

The complaint against Judge Santaniello must be dismissed, as he is immune from suit under § 1983. Pierson v. Ray, 386 U.S. 547 (1967).

B. The Grievance Committees

The grievance committees exist pursuant to Connecticut statute, Conn. Gen. Stat. Ann. § 51-90 (1960), and their members perform a public function.^{3/} It may be assumed that

^{3/}

In Grievance Committee v. Broder, 112 Conn. 263, 265-66, 152 A. 292 (1930), the Connecticut Supreme Court described the function of the grievance committee:

the state action requirement of § 1983 has been met. However, the plaintiffs have failed to state a constitutional right of which they have been deprived because of the action or inaction of the grievance committees. In no way were the grievance committees responsible for whatever acts of misconduct the lawyers may have committed. To the extent that the plaintiffs have suffered harm at the hands of their attorneys, they are entitled to seek relief in the state courts. Whatever cause of action they may have against those lawyers "whether sounding in professional malpractice, tort, or otherwise, is one of state law insufficient to vest a federal court with jurisdiction over the subject matter." See Fine v. City of New York, 529 F.2d 70, 74 (2d Cir. 1975).

Nor do they have a constitutional right to demand that the attorneys be criminally prosecuted or professionally disciplined. As Mr. Justice Marshall stated in Linda R. S. v. Richard D., 410 U.S. 614, 619 (1973): 93 S.Ct. 1146

"The Court's prior decisions consistently hold that a citizen lacks standing to contest the policies of the prosecuting authority when he himself is neither prosecuted nor threatened with prosecution. [Citations omitted.] Although these cases arose in a somewhat different context, they demonstrate that, in American jurisprudence at least, a private citizen lacks a

3/ cont'd

"The grievance committee is in no sense a party to the proceeding but an independent public body charged with the performance of a public duty in a wholly disinterested and impartial manner"

judicially cognizable interest in the prosecution or nonprosecution of another."

See also Simon v. Eastern Kentucky Welfare Rights Organization, 44 U.S.L.W. 4724, 4730 (U.S. June 1, 1976) (concurring opinion of Justice Stewart).

Since the Supreme Court has held that, as a private citizen, Ms. Monroe lacks a judicially cognizable interest in the prosecution of the attorneys, it follows that she cannot state a claim against the grievance committees for denying her rights she does not have. Consequently this claim against the defendant members of the grievance committees^{4/} must be dismissed for failure to state a claim upon which relief can be granted. Rule 12(b)(6), Fed. R. Civ. P.

No allegation of the complaint can be read to state a claim that any of the plaintiffs suffered personal injury due to the action or inaction of the defendant, L. Patrick Gray. Consequently the complaint must likewise be dismissed against him for failure to state a claim upon which relief can be granted.

III. The Antitrust Conspiracy

The final conspiracy alleged in the complaint is a claim that "the defendants" conspired to restrain the practice

^{4/} Henry Harris, William Miner and Edward McKay, as members of the New London County Grievance Committee. Frank E. Dully, Harold J. Eisenberg, Albert S. Bill, and Phillip R. Dunn, as members of the Hartford County Grievance Committee.

of law and to maintain and enforce "illegal minimum fee schedules." Jurisdiction is alleged to exist pursuant to 15 U.S.C. §§ 1, 3, 13, 15 and 25.

Other than the one conclusory allegation, however, the complaint fails to set forth the essential elements of an antitrust claim. Furthermore, it fails to allege that the plaintiffs suffered any particular injury as a result of the alleged conspiracy. It is settled that such an insufficient pleading, even on the part of a pro se litigant, fails to state a claim upon which relief can be granted. Klebanow v. New York Produce Exchange, 344 F.2d 294, 299-300 (2d Cir. 1965); Arzee Supply Corp. v. Ruberoid Co., 222 F. Supp. 237 (D. Conn. 1963). For this reason, this claim must also be dismissed.

IV. Conclusion

Although the complaint in this action names 18 individual defendants and alleges three different conspiracies, it fails to state any claim upon which relief can be granted against any defendant. Consequently the motion of each of the defendants is granted and the action is dismissed in its entirety.

SO ORDERED.

Dated at Hartford, Connecticut, this 25th day of June, 1976.

M. Joseph Blumenfeld
M. Joseph Blumenfeld
United States District Judge

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

U.S. DISTRICT COURT
HARTFORD, CT. 06103

NADINE MONROE,
FLOYD RICHARD MONROE, and
LISA ALLEN MONROE by their
Mother, Next Friend and
Natural Guardian, Nadine
Monroe

vs.

CIVIL ACTION NO. H-76-91

L. PATRICK GRAY, individually
and as Commissioner of the
Court of Connecticut, HENRY
HARRIS, WILLIAM MINER and
EDWARD McKAY, individually
and as Chairman and Member
respectively of the New London
County Grievance Committee and
as Commissioners of the Courts
of Connecticut; LOUIS C. WOOL,
ANDREW BRAND, FRANCIS T.
LONDREGAN, GEORGE GILMAN and
ICOR SIKORSKY, JR., individually
and as Commissioners of the
Courts of Connecticut; SUISMAN,
SHAPIRO, WOOL & BRENNAN, a law
partnership, THOMAS E. TROLAND,
individually and as Referee of
the New London County Superior
Court and Commissioner of the
Courts of Connecticut, ANGELO
SANTANIELLO, individually and as
Judge of New London County
Superior Court and Commissioner
of the Courts; FLOYD MONROE, JR.
and MARTIN GOTTESDIENER,
individually and as a Certified
Public Accountant of Conn.

JUDGMENT

The above-identified action came on for consideration by
the Court by the Honorable M. Joseph Blumenfeld, United States
District Judge, of each of the Defendant's Motion to Dismiss;
and,

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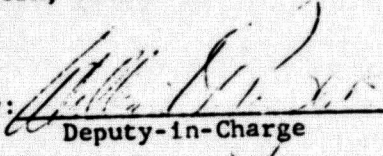
63.

The Court having considered the Motions to Dismiss filed its Ruling granting each of the Defendant's Motion to Dismiss, dismissing the Plaintiffs' Complaint in its entirety for failure to state any claim upon which relief can be granted as against any Defendant;

It is accordingly ORDERED and ADJUDGED that the Plaintiffs' Complaint be and is hereby dismissed for failure to state any claim upon which relief can be granted as against any Defendant.

Dated at Hartford, Connecticut, this 30th day of June, 1976.

SYLVESTER A. MARKOWSKI
Clerk, United States District Court

By: 
Deputy-in-Charge

